

1725

THE
Laws and Customs
OF THE
STANNARIES
In the COUNTIES of
CORNWALL and DEVON.

Revis'd and Corrected according to the Antient and Modern Practice.

IN TWO PARTS.

- The First, Containing the Charter of *Edw. I.* being the first Charter for erecting the *TINNERS* of *Cornwall* and *Devon* into a Corporation, with an Exposition of the said Charter, by Parliament, 50 Ed. III.
- II. The several Laws and Constitutions, made by the several Parliaments of *Tinners*, in the Reigns of King *James I.* *Charles I.* *James II.* and Queen *Anne*, together with the Journals, Speeches, Addresses, and other Proceedings of the said Parliaments.
- III. A Compleat Treatise of the Laws of the Stannaries, and the Method of Proceeding in the several Courts of Stannaries; with the Judges Opinions on the Force of those Laws, by the King's special Direction. Also several Cases and Pleadings thereupon, in the Star-Chamber, touching Writs of Error.
- IV. The Power of the Lord Warden in Law and Equity, with two Remarkable Cases between the Lord Warden and the Sheriff of *Devon*, the One for Felony, and the Other, for Murder, with the Pleadings at large.
- V. The Rights of the PRINCE as Duke of *CORNWALL*. Also a Compleat TABLE of the Fees of the Stannary Courts.
- VI. The Customs of the STANNARY of *BLACKMORE*, set forth by way of Preface.

PART II.

Containing the Laws and Customs of the Stannaries of Devon.

- I. The Charter of *Edw. I.* with an Exposition of the same, in *Latin* and *English*.
- II. The several Laws and Constitutions, &c. made in the Reigns of King *Edw. VI.* *Hen. VIII.* and Queen *Elizabeth.* With Compleat Tables of the Principal Matters contain'd in the whole.

By THO. PEARCE, Gent.

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THE
Laws and Customs
His Royal Highness
GEORGE R. A. G. I. E.
In the Counties of
Principles of Law and Equity

Duke of CORNWALL, &c.

My Native Country, the Country of the Nile
I owe to you and Africa I have for
the laws and the laws of the Nile
I owe to you and Africa I have for
the laws and the laws of the Nile



of a King, descended from the Royal Blood
 as a reward for the Task for me, especially at this
 given; and I rejoice in my good Fortune, which
 application of so useful a Treaty will, I hope be
 Duchy of Cornwall, by so long, delaying the
 charged on the Natives of your Royal Highness's
 The Neglect of publick Spirit, which has been
 Wishes and Laws and Constitutions, made in the Reigns of King
 been multiplying that Trade, the only to your
 ics of Cornwall and Devon to any other, would have
 of your Royal Highness's Stewards in the Coun-
 to have incited a Boy to the Hands Customs
 choice of a Nation, your Claims to strong, that
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TO
His Royal Highness,
G E O R G E,
Prince of W A L E S,
AND
Duke of C O R N W A L L, &c.

May it please your Royal Highness,

THE Duty I owe to Your Royal Highness's Person, and the *Zeal* and *Affection* I have for my native Country, has conquer'd the Difficulties I met with, in compiling the following Sheets; especially, when I consider'd the *Advantages* which would accrue to your Royal Highness's STANNARIES, as well as to the Ease of the Subject, by having the *Jurisdiction* of those COURTS, more distinctly explain'd and observ'd.

Had not my Inclinations determin'd me in the Choice of a Patron, yet your Claim is so strong, that to have inscrib'd, A *Body* of the LAWS and CUSTOMS of your Royal Highness's *Stannaries* in the Counties of *Cornwall* and *Devon*, to any other, would have been misplacing that *Homage*, due only to Your *Illustrious Merits*.

The Neglect of publick Spirit, which has been charg'd on the Natives of your Royal Highness's Duchy of CORNWALL, by, so long, delaying the Publication of so Useful a *Treatise*, will, I hope, be forgiven; and I rejoice in my good Fortune, which has reserv'd that Task for me, especially at this auspicious Juncture, which blesses us with the Enjoyment of a KING, descended from the Royal Blood of

DEDICATION.

of the PLANTAGENETS; and, Your Royal Highness, Prince of WALES, and [Duke of CORNWALL.]

It has been my chief Care in the pursuit of this Work, to publish nothing but what is grounded on judicial Records, Rolls of Parliament, and other Authorities; but, especially, on the Resolutions of the Judges: The great *Lights* and *Assistance* I have receiv'd from those immediately concern'd under your Royal Highness, was chiefly owing to their Love of Veracity; that every Line might be warrantable, to which You vouchsafed a Countenance, and to furnish Your Countrymen, with Opportunities, of knowing their respective *Claims* and *Privileges*.

The utmost Period of my Hopes, is, that the following Sheets may be render'd as acceptable to your Royal Highness, as I humbly conceive they will be *profitable* to Your REVENUE, which will be a sufficient Reward for the Difficulties I have overcome in compleating them.

You have so long, and so vigorously contributed to the Defence of Mankind, that none have escap'd your Royal Highness's nearest *Regard* and *Tenderness*, by which Means, you very early became Master of the Affections of the BRITISH NATION: And that we may be blessed with a *Succession* of PRINCES in Your Illustrious House, to continue the Guardians and Protectors of the Protestant *Interest* in EUROPE, and our happy *Constitution* in BRITAIN, till Time shall be no more, is the Prayers and hearty Wishes of,

May it please your Royal Highness,

Your most Obedient,

Devoted, humble Servant,

T. Pearce.

The PREFACE

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THE
PREFACE
TO THE
READER.

BEFORE the Charter of *Edward the First*, the *Stannaries of Cornwall and Devon* were subsisting, as by the two several Charters of *King John*, and *Richard King of the Romans*, now remaining on Record in the Tower of *London*, do appear.

But as these several Charters do not carry with them such Vigour and Force of Law, as the Charter of *Ed. I.* supported by several Acts of Parliament; yet will it serve to inform the Reader, that these Laws were still more antient than any of the Records above specified. It is evident to every Day's Experience, that Laws, the further they are from their original Institution, grow larger and more numerous: In the first Coalition, (of a People) their Prospects are not great, they provide Laws for their present Exigence and Convenience; but in Process of Time, possibly, their first Laws are changed, altered, and antiquated, as some of the Laws of the Twelve Tables of the *Romans* were; but whatsoever is done, touching their old Laws, there must of Necessity be a Provision of new, successively answering to the Multitude of successive Exigences and Emergences, that in a long Tract of Time will offer themselves; so that if any Man could, at this day, have the Prospect of all the Laws of the *Britains*, before

any Invasion upon them, it would yet be impossible to say which of them were new, and which old, and to recount the several Seasons and Periods of Time, wherein every Law took its Rise and Original, (especially) since it appears, that in these elder Times, the Britons were not reduced to that civilized Estate, as to keep the Annals and Memorials of their Laws and Customs, as the Romans, and other civiliz'd Parts of the World, have done.

Neither is it possible to make any General Rule of the Law, but that it shall fail in some Case or other: Therefore Makers of Laws have Regard to such Things as may often come, and not to every particular Case.

The Cornish Tradition is, that the Saxons inhabiting these Parts, were the chief Workers and Searchers for Tin, who in those antient Days wrought not with Spades, and working Tools, made with Iron, as they now do, but all made of Oak; they, as they got their Tin, had their Blowing-Houses, now call'd Smelting-Houses, near their Works; for Proof whereof, divers Workers of Tin have often found their Shovels, Spades, and Mattocks, made all of Oak and Holly: But whether those Workers were Saxons, or Danes, or any other Nation, is not certain; the Tinnners call the antient Works by the Name of the Working of the Jews: it is most manifest, that there were Jews inhabiting here until the Year of our Lord 1291. and this they prove by the Names yet enduring, viz. Attall Sarazin, in English, *The Jews Feast*. But whether they had liberty to work and search for Tin, does not appear, because they had their Dwellings chiefly in great Towns and Cities; and being great Usurers, were in that Year banished out of England, to the Number of 15060, by the Most Noble Prince, Edward I. And this further appears, by Polybius, who, 209 Years before Christ, wrote, that this Island was abundantly stored with Tin. *Diodorus Siculus floruit sub Augusto*. It appeareth by some antient Records, relating to the Customs of the Stannaries, that the Tinnners, before the Charter of Edward I. wrought and searched for Tin in Wastrell Grounds, and in

Attall Sarazin.

Diodorus Siculus, lib. 5.

in the Prince's several Lands only, where any Tin might be found, and had Liberty to dig, search, and make Shafts, and pitch Bounds, paying only to the Prince, or Lord of the Soil, the fifteenth Boll, to and for Toll of their Tin, and to work for Tin in Places of the most Advantage, excepting only Sanctuary Ground, Churches, Mills, Houses, and Gardens; provided always, that if the said Tinnors, in their working, chanced to subvert or work up any Man's House, or High Way, the Tinnors so subverting, should, at their own proper Cost and Charges, make, or cause to be made up, the said Houses, or High Way, so subverted or undermined, so lawful and sufficient as they were before, the Bounds of all and every several Courts being most necessary to be known; for as the Body of Man is best order'd when every particular Member exerciseth his Property, so the Body of the Commonwealth is best govern'd, when every several Court of Justice executeth his proper Jurisdiction. *Cok. Instit. part. 4.*

Therefore *Doctor and Student*, treating of the Customs of the Realm, say, They are the very Ground of divers Courts; and tho' in some Statutes mention is made of these Courts, yet nevertheless of the first Institution of Courts, and that such Courts should be, there is no Law written in the Laws of *England*; and so all the Ground and Beginning of Courts depend upon the Custom of the Realm, which Customs are of so high Authority, that they, or their Authority, ought not to be altered, nor their Names changed without Parliament. *Doct. and Stud. ch. 7. fo. 16.*

The Customs of *Kent*, where the Lands which are called *Gavelkind* Lands, by that Custom, descend to all the Heirs Male in equal Proportion, and several other Customs, in force only in that County: The Customs of *London*, which are very numerous, the Customs of Mannors, by which some Lands descend to the youngest Sons, this Custom is called *Borough-English*; and these private or particular Customs differ from the Common Law in this, that they only pass for Law in those Places where they have been, and allowed for Customs

Coke Litt.
sect. 165.
fo. 115.

Customs beyond the Memory of Man: Whereas the Common Law is the general Custom in Force, all the Kingdom over, unless altered by Act of Parliament, and not restrained to one particular Place; and there are no Statutes that treat of the Beginning of Customs, nor why they should be held for Law; but of every Custom there are two essential Parts, Time out of Mind, and Continuance and peaceable Usage without lawful Interruption.

When Matters of Moment relating to the Customs of those Stannaries come to be questioned and debated, there were, and are, in every of the said Counties of Cornwall and Devon, several Parliaments, or General Assemblies of Tinnars, summoned by the King's Warrant, directed to the Lord Warden of the Stannaries, whereunto every Stannary sendeth Burgesses, by whose Advice and Consent, Constitutions, Orders, and Laws, are made touching Tin Causes; the same do bind the whole Body of Tinnars as firmly as if the same had been established in the general Parliament of this Realm.

It is further evident, by the first Part of the Charter of Edward I. hereafter set forth, which hath these Words, *Sciatis, quod nos ad emendationem Stannar' nostrar' in Com' Cornub' ad tranquillitatem & utilitatem Stannator' &c. sicut antiquitus fieri consuevit.* Therefore the Charter aforesaid justifies the Premises, and makes it evident, that those Stannaries were subsisting before, because *ad emendationem Stannar'* implies it.

Vide the
whole Pro-
ceeding, fo.
140.

In the 35 Edw. I. two Years after granting of this Charter, 'tis recorded, that *Walter Wallyns, Stannator*, was indicted at *Exeter*, before the Justices Itinerant, for killing *Walter Wallyns*, the Son of his Brother in *Decena de Horne*. Therefore those Courts, and all other Courts of inferior Jurisdiction, we doubt, have usurped Authorities not consistent with their original Jurisdiction. The ancient Judges, and Sages of the Law, have ever (as it appeareth in our Books) suppressed Innovations and Novelties in the Beginning, as soon as they have offered to creep up, lest the Quiet of the Commonwealth

Coke Litt.
fo. 379. sect.
723.

wealth might be disturbed; and so have Acts of Parliament done the like; therefore an Amendment of those Stannaries, supported by Parliament, was thought necessary.

'Tis probable, that after-Wardens of the Stannaries were of the same Opinion; for in the 51st of *Edw. III.* an Amendment and Explanation of those Stannaries was petitioned for by Parliament, in these Words: "In case a Tinner be taken for Felony, and deliver'd to the Warden, he is very often suffered to go at large; from whence much Danger hath oftentimes happened; and also from there not being a Delivery of the Goal above once in ten Years; before which Act the Customs of the Stannaries were variously interpreted." *Vide the Act of Exposition hereafter set forth.*

The Laws, Franchises, and Liberties, appertaining to the Stannaries of *Cornwall* and *Devon* depend, in some Respects, upon the Kings Charters; in other Respects, upon common Right; and, in a third, upon Usages and Customs.

The Laws, Franchises, and Liberties of the Tinnars, by reason of their Charter, may be apparent by the View of the Charter itself, by which they are now referred to the Wisdom and Circumspection of such Persons of the Jury as carry a worshipful Reputation, and to the Discretion of the Tinnars impannelled with them, which are to view, search, and publish lawful and approved Customs. *Vide Exposition of the Charter of Edw. III.*

Altho' 'tis a Maxim in Law, A Court cannot be held by Custom and Letters Patents also; for if one have a Court by Custom, and purchase Letters Patents, and holds the Court by them, the Custom is extinguished; but this must be meant without Parliament.

All Courts of Record are originally the King's, and derived from him as the Fountain of all Justice; for though a Corporation may be by Proscription, yet it shall be intended, that such Corporation did (originally) derive its Authority, by Grant, from the King, for the King is the Head of the Commonwealth, and all the

Commonweath, in respect of him, is but as one Corporation; as all other Corporations are but Limbs of a greater.

The Stannaries are not such Courts, within the Maxim of the Common Law, they are Courts by Custom, confirmed by Charter and Act of Parliament.

Observe the Words *ad emendationem Stannariorum &c. & quieti sunt de omnibus tallagiis, theloniis, stallagiis, auxiliis & aliis customis quibuscunque in villis portubus feriis &c. Et Equas & Cursus aquarum ad operationes Stannar' pred' divertere ubi & quoties opus fuerit & emere buscam ad functionem Stanni sicut antiquitus fieri consuevit.* In English (thus) For the Amendment of our Stannaries, &c. and that they may be quit from all Tallages, Tolls, Stallages, Aids, and other Customs whatsoever, in Towns, Ports, Fairs, &c. and the Waters, and Water-Courses, for the working of the Stannaries aforesaid, and to turn, when and so often as need shall require, and to buy Bushments for the melting of Tin, as of old Time hath been accustomed to be done. And the Statute of the 51st of Edw. III. gives no new Construction, but an Explanation of the said Charter of the 33d of Edw. I. and taketh away the Ambiguities of the Words of the said Charter, and abolisheth the Grievances of the said Tinnars. *Vide* the Statute of King Charles I. where all the Privileges of the Tinnars are confirmed and explained.

So, by the Custom of the City of London, a Foreigner within the City, shall not sell Things by Retale, on Pain of Five Pounds; but it is not good by Charter; therefore Cities which are incorporated within Time of
 Co. 8. R. fo. 121. Memory, cannot have such Privileges without Parliament.

By Continuance of Time, the Tinnars having great Profits by Tin, wrought by Custom until the 33d of Edw. I. *Ann. Dom.* 1305. It was thought good, by the Tinnars of the County of Cornwall, to procure by Charter, free Liberty to dig and search for Tin in any Place where Tin might be found, and a Court to determine all Matters and Causes between Tinnars; which Prerogative could not be obtained without a Corporation,
 (viz.)

(viz.) Freeholders, which might bind their Heirs, by their Inheritance to the said Court, wherein the Inhabitants of the Stannary of *Blackmore*, brought this Matter to good Effect, for, and in the Name of the whole County, and obtained this Grant from the Prince of famous Memory, King *Edward I.* as by the said Charter to the Tinnars hereafter mentioned does appear, and is now called by the Name of One Stannary only, altho' divided into four, for the Use of the whole County. In those Days there were Gentlemen dwelling in *Blackmore* Stannary, chiefly in those Parishes, *St. Anstell*, *Luxillion*, *Lanleury*, *Roach*, *Eva*, *St. Stephens*, *St. Mewan*, and *St. Denis*, which offered to bind their Lands and their Heirs for ever, to answer unto the Court of the Stannary of *Blackmore*, (viz.) *Predis Leweddon*, *Herles Tomyrow*, *Lestowen Laffriham* and *Reynolds*, Tinnars; these Gentlemen did not only bind themselves and their Heirs, within the said several Parishes, to answer at every Law-Court within the said Stannary, but are unto this Time amerced for their several Defaults, if they appear not at the said Court: There were also within these Parishes eight other Gentlemen, which bound their Tythings wholly to appear, and to do Suit to the Court on every Law-Day, and are amerced if they do not appear; and also eight Tythingmen, to serve the Court continually, one for every Tything, which do still continue, and are in full Force, whose Names and Fines are as follows, (viz.)

	l.	s.	d.
<i>Nath. Kendall</i> Decimar' de <i>Trereth</i> - - -	00	ij	00
<i>Jo. Lord Roberts</i> Decimar' de <i>Lestwithiel</i> }	00	vj	00
<i>Bodixy</i> - - - - - }	00	vj	00
<i>Trevaunon</i> Decimar' de <i>Treviabin</i> - - -	00	vj	00
<i>Herle</i> Decimar' de <i>Pridis</i> - - - - -	00	ij	00
Decimar' de <i>Trenance Anstell</i> - - - - -	00	ij	04
<i>Edgcombe</i> Decimar' de <i>Tomudres</i> - - -	00	vij	00
<i>Boscawen</i> Decimar' de <i>Tregineck</i> - - -	00	vj	00
<i>Arundell Lauburne</i> Decimar' de <i>Devilljack</i> -	00	v	00
Sum total	xxxvij	04	
		Besides	

Besides all these, there are other Tythings which pay a yearly Fine to the Prince, and are not bound to any Suit at all, which Duty is yearly paid into the Exchequer, by the Bailiff of the Stannary, which is three Pounds odd Money, a great Part whereof of late Years, have been lost.

The Tythingman of *Lowhelishall* is compelled to levy the whole at the Audit; the Place where the principal Court aforesaid in old time us'd to be kept, is unto this Day called *Hallew*, alias *Haldew*, being a *Cornish* Name, as much as to say *Blackmore*.

There is likewise another Duty paid into the Exchequer out of the Stannary of *Blackmore*, called *Tribullage*, or *Shovel-Money*: This Duty ought to be collected and gathered of every Tinner, working and searching for Tin, within the Hundred of *Pyder*, yearly, one Halfpenny; for this Collection the Bailiff payeth into the Exchequer yearly vij s. viij d.

The Particulars the Bailiff shall be charged withal, on his Account, payable upon the 16th or 17th of *October* yearly.

	l.	s.	d.
<i>De Fine libere tenet</i>	-	-	-
<i>De Extract</i>	-	-	-
<i>De Certo Dono</i>	-	-	00 xxxviii 04
<i>De Fine Stanni</i>	-	iiij	00 00
<i>De aliis Perquisitis Curie</i>			

All this I have set down, that it may appear most manifest unto the Reader, that as the Inhabitants of *Blackmore* were the only Purchasers of the Grant, or Charter, of the Tanners of *Cornwall*, so are they yearly burthened with the Payment of these yearly Sums; and as for the Stannaries of *Foweymore*, *Penwith*, *Kirrier*, and *Tywarnhale*, they are charged with no more Payments but only the Perquisites and Amerceaments of their several Courts, the Charter being granted by the Prince, and delivered unto the Tanners of *Blackmore*, and a Common Seal made for the same Purpose,
of

of a pretty Breadth, having the Print in it of one working with a Spade in a Tin-Work, and another with a Pick-Ax, delivered to them, together with the said Charter. These, the Tinnerns receiving, appointed it to be kept in the Tower of *Luxillian*, in a Coffe with eight Locks and eight Keys. This common Seal of Tinnerns serveth for the following Purpose, viz. that if they should be molested, grinded, or wrongfully troubled, contrary to their antient Customs and Liberties, they, by presenting to the Prince, or his Council, Supplication of their Grievs, having their common Seal thereunder annexed, might have the better Credit at the Hands of His Highness, or his honourable Council, as hath severall Times been the Custom both of the Tinnerns of *Cornwall* and *Devon*.

Before the Charter of *Edw. I.* all the Tin in *Cornwall* and *Devon*, to whomsoever the Land belong'd, appertained to the King; and this is proved by divers Records, and by the Charters amongst the Records of the Bishop of *Exeter*, and that all the Lands of the County were the Demesne of the King, and upon Grant of the said Lands, the King reserved the Mines to himself, is also by the Prerogative of his Crown; and altho' the Ore thereof be in another's Land, it is for the Excellency of the Matter, appropriated by Law to the Person most Excellent [the King]: First, for the Necessity of defending his People, and preserving the Commonwealth against foreign Hostility; and Secondly, for the Convenience of his Subjects, that they, by the Coin made thereof, (which the King only may make) may have between them mutual Commerce and Traffick, because, if the Subject should have Gold or Silver in his own Land, he might have converted it into Coin, and would thereby exceed the King in Treasure.

Plow. Com.
315.

No Mine of Copper being void of Gold, and no Mine of Tin void of Silver.

The King shall have, by his Prerogative, Mines of Copper, containing Gold or Silver, in the Lands of another, because they are as things entire, by the Commixture & *magis dignum trahit ad se minus dignum*, and therefore

therefore those of Devon and Cornwall for digging in their Lands, and in the Lands of another for Tin, and to have this to their Use, derive their Power from the Kings of this Realm.

And although it be to the Prejudice of another's Freehold, yet because the Law gives these Mines to the King, it giveth him all necessary Means to improve it, by digging, with all Incidents thereunto, for every Prerogative contains in itself Prescription; for it is an Usage, and as Prescription and Usage will give Title and Interest to the King in the Freehold of another, so, by Prerogative, the King might enter into the Woods of another, and take Trees for Repair of his Castles, before the Statute of *Magna Charta*, cap. 22. he might likewise disafforest another Man's Woods, before the Statute of *Foresta*, cap. 2. And therefore those in Cornwall and Devon, for digging in their Land, and in other Land, for Tin, and to have this to their Use, derive their Power from the Kings of this Realm, by having several Liberties granted them from the Crown, as by Charter 33d *Edw. I.* confirmed by *Rich. II.* &c. but the Power given to them for to dig in another's Land, and to pull down Houses of another, was restrained by the Statute of the 50 *Edw. III.* *Derbyshire*, and other Places prescribe to take Lead of Mines stire, which is without Gold or Silver, without paying any thing.

The Kings of *England* in their Times, and also the Dukes of *Cornwall*, have had the Pre-emption of Tin, which is a Privilege belonging unto, and reserved unto themselves by their Charters of Liberties granted unto the Tanners, which Pre-emption, as by several Precedents may be proved, both the Kings of *England* and Dukes of *Cornwall* have made use of, when they wanted Money. Vide the Clause in the Charter of *Edw. I.* *Nisi* (saith he) *nos vel heredes nostri Stannum illud emere volumus.*

This Clause is to be understood according to the Charter of *Hen. VII.* where twenty four Stannators in Parliament, or Convocation, assembled, or sixteen of them are consenting.

Prince

Prince *Arthur*, eldest Son to King *Hen. VII.* made certain Constitutions relating to the Stannaries, which the Tinnars refusing to observe, and taking greater Liberty than was justifiable by their Charters, King *Hen. VII.* (who seldom let slip any Opportunity of filling his Coffers) made that a Pretence, after Prince *Arthur's* Death, to secure the Stannaries into his own Hands; but finding that it did not turn to such Account as he expected, was prevailed upon to accept of 1000 *l.* for all the pretended Forfeitures, granting them his Charter of Pardon; by which Charter he further enacted, that no Law relating to the Tinnars, should be made without the Consent of twenty four Stannators, and those to be chosen by the Mayors and Council of the Boroughs in the four Divisions of the Stannaries. *Vide* the Charter now remaining on Record in the Chapel of the Rolls.

And it is by the said Charters of Privileges expressly mentioned, That no Tinnars whatsoever, shall sell or dispose of any Tin, in either of the said Counties of *Cornwall* and *Devon*, either black or white Tin, but only at several appointed Times in the Year; to which Places all the vendible Tin in the several Counties aforesaid are brought and weighed by a Beam and Weights, and after the same is so weighed, it is coined with a Stamp, called the Coinage, for which there is due to the Prince, as Duke of *Cornwall*, the Sum of Forty Shillings for every Thousand Weight so weighed and coined, and is Parcel of the Revenues of the Dutchy of *Cornwall*, first granted by King *Edw. III.* unto the Duke of *Cornwall*, and annexed unto the said Dutchy by the Name of the Coinage of Tin.

Before this Dutchy came to the Crown, the Dukes and Earls thereof had Royal Jurisdiction; but the Dutchy returning again to the Crown in the Reign of *Edw. III.* he, in the 11th Year of his Reign, created *Edward* the Black Prince, his eldest Son, Duke of *Cornwall*, and settled the Dutchy after such special Manner by Act of Parliament, as that it should remain a Revenue to attend the Sons and Heirs apparent of the Crown

51 Ed. III.

Crown of England, Dukes of Cornwall, for ever. The Black Prince was, at the Time of that Creation, under the Age of eight Years, and held the same very long, but dying before his Father, he left Prince Richard his Son and Heir, who was, in the 5th of Edw. III. his Grandfather, created Prince of Wales, and had likewise the Dukedom of Cornwall, and Earldom of Chester, given to him, and on Christmas-day following, caused him to sit at his Table above all his own Children, as representing the Personage of the Heir-apparent; no Son of the King, but his first begotten, shall be Duke of Cornwall, although he be Heir-Apparent to the Crown.

The Estate is limited to cease when the King hath no first begotten Son, and to revive when he hath, which cannot be without the Statute. The Charter of Creation of the Prince, Duke of Cornwall, the 11th of Edw. III. is an Act of Parliament; for such a Limitation to the first-begotten is void without Statute, for if the Grandfather be King, the Father Duke, and Son be, if the King die, the Father is King, and Son Duke, by the said Statute, against the Rules of Law. *Vide the Prince's Case, 3d of King James I. in Cancell' Co. Rep. lib. 8. fo. 1.*

THE

INTRODUCTION.

The Antient Customs of the *Tinners*, in the Reigns of King *Henry VIII.* and Queen *Elizabeth.*

The Manner of Bounding of Tin Works.

AS the Wind purgeth and cleanseth the Chaff, Dust, and other unprofitable Seeds from the pure Grain and Corn; even so the Water cleanseth and fineth the Tin from all mundick Ore, Gard, and other waste Matters, without which Water, no Tin can be purified; therefore Tanners covet to have always a River as nigh their Work as they can, for the Tin Works which they call Stream-Works; and perhaps between that Piece of Ground which they have, or intend to have, and the River, there may be seven or eight, more or less, divers Works; and every Work may lawfully bring their Water from the River, which the Tanners commonly call the *Teo*, without Denial or Contention; but this Conduit of Water must they fetch from the River, by a general Order made amongst Tanners. The manner of bounding is, most commonly, to make four Corner-Bounds, two at the Head of the Work, and two more at the Tail, in cutting up three Turfs in every Corner, and so consequently their Side-Bounds and Head-Bounds, with three Turfs on every Place, one directly against the other, keeping their Order round about their said Works; then they go the *Teo*, or River, and fetch home the Water which serves this Work, or Piece of Ground, which they have bounded, to in making a By-Leat likewise under the the Grass, for the Water to run; under in the bringing out the Water from the *Teo*, towards their By-Leat so made, they must make, as it were, a Conduit, with three Turfs, one Turf set over the said three Turfs for the Water to run out of the *Teo* through the said Conduit, which the Tanners commonly call a *Tuell*, and may properly descend from the *Latin* Word *Tutela*, for that it is a Fence and Preservation of all the Works that the Water runneth by, always the By-Leat is to save them from being vacant. This *Tuell* may be made with Stone, as the

Vide the Charter, & aquas & cursus aquarum ad operationes Stannar' divertere ubi quoties &c.

skilful Tinner knoweth. Now in observing this Order to bring out the Water through their Tuells, and so under the Sword, or Grasse, through their By-Leat, and from that conveyed closely, to the Work no Man can deny, although they convey the Water by twenty divers Tin Works, for if they should not observe this prescribed Order, the Water running and flowing abroad at liberty, bringing Gard and Tails of Works, would make all these Works vacant; for the Custom is, that if Tails run into a Work, the Space of a Year and a Day, and not stop out, then any other may take the Work, as vacant, and new bound it; this Order, as well in making Tuells, as also in renewing their Bounds, they must diligently observe and keep yearly, from time to time, Bound to Bounds, and most chiefly their Corner Bounds every Year upon their very Day of bounding; howbeit, some are of Opinion, that if they keep well their Corner Bounds, it is not greatly material for Side Bounds, two or more; thus with the Day of Bounding you may prevent and renew, before their Day of bounding limited, but then it is to be feared that if they break their antient Day, or accustomed Time, they cannot come to their old Day again, but must keep the very same day, which, if they overslip and come to their old Day, they may renew the Bounds of their Works as often as they list. You may be resolved this Question by Tanners sworn at the Liaw Day; for this finally be ye assured, that as the Owners do watch and observe diligently to keep their Works, and not to omit their appointed Day, for Fear of losing their Work, even so are the others, that apply all their Studies to find them negligent in renewing, by which means they get their Works from them, the Experience of which is daily seen; they say also, that there is another Remedy, to fetch Water from the Leat of another Man's Work to save your Work, and not to put his Work in Danger; that is, to pay a Farm to the Work from whence you take your Water for the Use of your Work. This I have set forth by way of Information, it being the Sense of an Author of a curious Manuscript, I now have in my Custody, writ in the Reign of Henry VIII.

Good working found between two Pair of Bounds.

If any Trouble do fall, as oftentimes it chanceth, that between two Pair of Bounds, there ariseth very good getting, uncertain to which of the two Works this rich Piece of Ground, so found, belongs: To pacify this Controversy, they draw a Line, or Cord, from one Corner Bounds to another, and by that Means to find out which of the two Pair of Bounds have best Right, but if the Piece of Ground be Triangle-wise, or with round Bounds, then they meet from side Bound to side Bound, and so by that Means is the Right tried.

A Tin Work bounded with two several Companies, the one not entring the Proclamation into the Court Books, and the last having his Proclamation entred.

Certain Owners of an antient Tin Work, whether negligently or willingly (is not said) suffered certain Tails to come into their Works, above the Space of one whole Year and a Day, and within that Space, never turned them out, as it was given in Evidence, which is a Plain Forfeiture of a Tin Work; which Forfeiture being espied by other Tinnors, they new bounded the same; they make two Defaults more, the one is that they bounded the Tin Work, and the one the Tye, with one Pair of Bounds, which (as Tinnors say) they may not do by the Custom, for they should have set one Pair of Bounds upon the Tin Work, and another upon the Tye: another Fault then was, for that they entred not the Proclamation in the Court Books, these Defaults, with other more, were espied by the Tinnors which came to cut the second new Bounds upon the said Tin Work, entring their Proclamation into the Court Books, in the next Court then ensuing, and so proceeding orderly; then cometh the former Bounders and forbiddeth this Proclamation, entring their Action of Trespas against the latter Bounders, as the Order is, pre-supposing that the said latter Bounders, such a Day and Time, had entred with Force upon their peaceable Possession of their Tin Work, pre-supposing Damage of a Hundred Pounds. The Defendant by Protestation saith, That neither the former Bounders had any Possession in the said Work, neither yet any Proclamation in Court, but for Answer saith, *Not Guilty*. This Tryal came to an Issue at a special Court holden upon the same Work, the Jury impannelled and sworn, passeth with the latter Bounders, that the said Work, as well for that they had made but one of Bounds about the Tye and the Tin Work, and for that they had entred no Proclamation in Court, as also for other Defects, but chiefly because they had not entred their Proclamation in Court, their Counters, alledged, by way of Plea, that it was in their Election whether they would enter their Proclamation in Court or not, which was spoken by the Council, as 'tis set forth, for no Purpose, for that he must say something for his Fee: And 'tis further said by the same Author, that he had known a Tryal for the same Matter tried before one *William Beere*, Esq; Steward of the Stannaries, under the Lord *Russell*, being made Chief Warden of the Stannaries by the most Noble King *Henry VIII.* that when a Proclamation hath been entred in Court, he proceeded, calling the same Proclamation at three several Courts then next ensuing, and, at the last Court, if no Man come to forbid the Proclamation, being so required by the Party Plaintiff, taking 3 *d.* for his Fee, and up-
on

*Tye, is means
Audit or Le-
vel brought to
any Work for
carrying of
Water.*

on the same, an Injunction granted out at the Request of the Bounder, directed to the Bailiff of the Court, to avoid the old Owners from their Possession, and to put the new in Possession of their Work.

One having Right in a Tin Work, going about to deceive the rest of his Fellows.

*Vide Stannary
Laws Car. I.
Artic. 17. &
19. fo. 41.*

There hath been a Custom amongst Tinnners, that whereas divers Owners are feized of, and in, one Tin Work together, one of the Owners goeth about to deceive all his Partners by Policy, bringing the Work vacant, to the Intent to bring the Work into his own Hands, or else into the Hands of the less Number of Owners; this Fellow entring in with the new Pitchers, his Work, by the Custom, bringeth in all the Residue of the old Owners; for if it can be proved that one old Owner have Right with the new Pitchers, the Right of that one old Owner bringeth in all the other; but now they have devised a Policy to bar this, for when the old Owner receiveth his Right with the new Pitchers, he cannot have the Right himself, but it shall be given to his Son, Daughter, or some other Friend of his, so that nothing shall be assigned to himself of all this Right; this, without doubt, is a very great Deceit, and of all other things worthy to be redressed, oftentimes they will not stick to give a good Report of their Right to a Gentleman, or a Lawyer, to support them in their crafty Dealings, which is very well prevented and looked to amongst the Tinnners of *Devon*, for there if any one of them go about to defraud his Co-partners, and suffereth the Work to be lost, not giving his Fellows timely Warning thereof, then the Tinner going about his Deceit, shall straightway lose his Right in the said Work, to the Use of his Partners, and the new Pitcher shall forfeit 20*l.* the one half to the Prince, and the other half to them that shall be so defrauded; if it be found by Verdict of twelve Men, and a *Fieri Facias* to be awarded, as well for the Prince as the Party, *Vide Stannary Laws of Devon.*

Whether if a Tinner missing his Day of renewing, finding his Fault after the Day, before any other come, may save his Work and Bounds.

If a Tinner do not renew his Bounds, within a Year and a Day, if he afterwards, finding his Fault, doth renew his old Bounds before any other, this saveth his Work although the Day be passed.

How

How long the Tails of a Tin Work, being turned out, must abide.

When a Tin Work is bounded, the Tinner must be circumspect, that he suffer no Tails of any other Tin Work to come in his Bounds, and that they continue not a Year and a Day; if they continue so long, then are his Bounds and his Works lost, and any other may pitch thereupon new Bounds, but if the old Owner can prove that he turned out the said Tails within one Year and a Day, although the Tails continued out not one Hour, he saveth his Work; for if the Custom should be otherwise, divers, by Craft, might lose their Works, for then one Man watching to get another Man's Work, may cause Tails of any other Work to run into the Work that he pleaseth to make void, and watching upon the Owner of the Work, when he spieth him turning out the said Tails, and so may turn them in again straightway, and by that Policy get the said Work into his own Hands and Possession.

Of two divers Bounds on one Tin Work; the one before the Work was vacant, and the other after: This Title was tried, the 8th of April, 1586. at a special Court holden for the Stannary of Blackmore.

In this present Year, 1586. a Variance happened between the Co-partners of a Tin Work; some went secretly about to save their Work, new bounded, and to bring it into such Strangers Hands as they might order, according to their Will and Pleasure; that whereas the Work was before time 16 or 18 Doles, they would bring it into half, by which means they might have the more Right to their own use, but in the Name of their Child, Brother, or other Friend; the Day of bounding was the 20th Day of Sept. 1586. which Day of bounding they would let slip, bringing their Tin Work vacant for want of renewing. The new Company attended diligently upon the said 20th Day of September, and new bounded the Tin Work the very same Day, being the Owners Day of bounding, whereas indeed the very Day was past, but the very Day of Tinner's by their Custom have always been a Year and a Day, (which Day followeth after the Year) and by this means the new Company made the new Pitch one Day before the Work was void; a subtle Tinner finding out this Fault, that the Bounds of the new Company were one Day before the Work was void, cometh the morrow after and casteth a second Pair of Bounds, at which Day the Work was void in very Deed, and so by that means got the Work into their Hands from the old Owners and

*Vide Stannary
Laws, made
12th Char. I.
Artic, 19. fo.
42.
Vide Artic.
35. Jacob. II.
Vide Stannary
Laws of De-
von.*

these other Pitchers, by reason that their Pitch was before their Work was void; thus the Partners of the old Owners, and these other Pitchers, by reason of their Pitch was before their Work was void; so the Co-partners of the old Owners deceived their Fellows and themselves, and the new Bounders lost the Work likewise. This Title was tried at a Special Court holden for the Stannary of *Blackmore*, 1586.

How long a Man may keep his Work, without delivering of Toll Tin.

The Tanners report their Custom to be, that the first Year they may keep their Works by Bounds, in the second Year it behoveth them to bestow some Charge, and the third Year they must deliver Toll Tin within their said Bounds, and so maintain forth the Bounds by renewing, as before is mentioned.

If a Man lose his Bounds, whether he lose his Hatch that he is working in.

If the Owner of a Pair of Bounds lose his Bounds for want of renewing, having a Work, or Tin Hatch, working within his Bounds, the working is sufficient to save the Hatch to his own Benefit; but the new Bounder may cut a Pair of Bounds round about his Hatch, that he shall work no broader, but he may work in Depth as far as he list.

A Tinner entring his Tin Work bounded into the Court Books.

The antient Custom hath been, time out of mind, that after the Tinner hath pitched Bounds upon the Piece of Ground that he hath taken vacant, it behoveth him straightway, at the next Court, holden within the Stannary where the Work is, to enter his said Work upon the Court Books, to the Intent that there it may be proclaimed by three Proclamations, at three several Stannary Courts following, calling the said Work as well by his old Name, as also by the new Name, for that it shall be manifestly known by the Court what Work it was that he hath renewed.

3

*Vide the Form
of a Procla-
mation, for
the Stannaries
of Blackmore.*

What

What Measures they have in the Stannary of Blackmore to measure their Black Tin.

All Tin before refining is made into Black Tin.

The Tanners of *Blackmore* most commonly have two Measures to measure their Black Tin, (*viz.*) a Foot Measure, and a Quart Measure, which they commonly call a foot Fatt; the Quart is the fourth Part of the Foot; both of these are used at every Delivery of a Wash made of Black Tin, the Foot Measure for this Purpose; first, they set abroad their Tin with the Foot Fatt to every Tinner's Portion, and when, in meteing of the Tin, it falleth out to be so little in Quantity at the latter End, it cannot be answered to every one a Foot of Tin, then they mete about the Residue of the Tin with their little Measure, being a Quart.

Vide Article VI. Stannary Laws Car. I.

Arresting Tin that is in Strife, between Party and Party.

The Bailiff of the Stannary, or else the Toller in the Bailiff's Absence, have full Power and Authority to arrest any Black Tin being in Strife between Party and Party, and being upon the Sheet ready to be delivered, and the same to commit to honest and indifferent Persons to be safely kept, until the Contention between the said Parties be pacified, but if it happen to be long determining by Trial, the Bailiff, or the Toller, upon the Request of either Party, may return the Arrest the sooner into the Court Books.

The Custom of the Toller not coming to his Hour, at the Delivery of Black Tin.

When the Tinner hath purified his Tin, and brought it to the Sheet, in Readiness to be delivered, it behoveth him to give lawful Warning to the Toller, one or two Days before he intend to make his Wash, or more or less according to the Place of the Toller's Habitation; so that if the Toller assent to an Hour and come not, then the said Tinner, or Tanners, may lawfully proceed in meteing, or measuring, their said Tin; and when the Toller cometh, then to set the Tin Turf there to remain till the Toller's Coming for it; this is a Custom, because the Owners of Blowing-Houses may sustain great Loss for want of Black Tin to serve his Hearth, but this being now remedied, Blowing-Houses are of little or no use.

What

The Fees of the Goal.

Amongst other Things it may not be amiss to set forth the lamentable Case of the poor Prisoners, remaining in the Goal, or abroad at many Prisons in the Goaler's Custody. At the Law Court holden for *Blackmore*, in the 28th of April, Anno Dom. 1586. a Question was preferred to the Jurates, being the chief Customers of Tinnars sworn for the Queen at that Court, to be resolved by their Verdict, what the Fees of the Goal ought to be paid at the bringing in of a Prisoner; presented in their Answer, that the Keeper ought to have at the bringing in of a Prisoner 6 *d.* and every Day he remaineth in the Goal at the Keeper's finding 4 *d.* every Day the Prisoner goeth at large, at the Keeper's finding, 5 *d.* but if the Prisoner list to find himself at large in the Town, giving Surety to the Keeper for his true Imprisonment, nothing; but if the Prisoner will be at his own finding, in this Case, the Goaler ought to have nothing but his Goal Fees, 6 *d.* which he paid at his coming in.

Of a Spallier for working for another, whether he ought to be impleaded.

No Man ought to commence, or prosecute, any Action in the Stannary Court against a Spallier, or poor Workman, which worketh in another's Right in the Tin Work, being in Strife, but he always ought to take his Remedy by Action against the Owner of the Right.

No Tinner, for Tin Matters, ought to assent to the Tryal of the same in a foreign Court.

If any Tinner do voluntary appear in a foreign Court, for Matters determinable in the Stannary Court, and standing there to his Tryal, without pleading the accustomed Plea of Tinnars, he ought to be presented in the Stannary Court, and to pay a Fine for his said Offence; and for form sake, I have before set forth a Tinner's Answer in a foreign Court, to be impleaded in bar of the said Action laid against him.

No Replevin ought to be sued out of the Stannary Court for Tin Causes.

Not only Tinnars, but also Foreigners ought, by the Custom of Tinnars, to Sue out their Replevins at the Hands of the Lord Warden of the Stannary, or his Deputy, in the Stannary Court where the Matter is Determinable, the doers of the contrary ought to be presented in the said Stannary Court for the Breach of the Custom.

Of Nichils in the Court, and a Distringas.

Concerning *Nichils* in the Stannary Court, this hath been the old, antient Order, that when the Action is entered into the Court, the Bailiff be asked, whether the Defendant be sufficient to answer the Plaintiff of his demand; if able, the Bailiff then taking 6 *d.* for his Fees, he must Warn the Defendant at the Court ensuing, but making Default, a *Distringas* is granted against him to Distrain his Goods, to bring him into Court then next after the *Distringas* so granted out, to Answer the Plaintiff in his Action, the Plaintiff always paying to the Court for his Process 6 *d.* and to the Bailiff for serving it 6 *d.* If the Defendant do again make Default in answering, the Plaintiff then issueth out an *Alias Distringas*, and so consequently, a *Plures Distringas*, always doubling the Amerciaments, with *Distringas* thereupon granted, untill the Defendant come to Answer as the Steward thinketh good, to set upon the Defendant, for his great Contumacy; if the Bailiff thinketh the Defendant not sufficient to Answer the Plaintiff in his Action, then doth he *Nichil* the Defendant; whereupon there issueth out a Writ, which is called, a Warrant to Arrest the Defendant by the Body, compelling him to give Sureties to Answer the Plaintiff his Demand. Now forasmuch as the Bailiffs having their Processes delivered to them to Arrest the Defendant, for the most Part do not observe truly the Tenor of their Process, therefore I have thought fit to touch on the same. The Words of their Process are, *That they should bring the Defendant before the Steward, there to take Surety to Answer the Plaintiff*; which although it be mentioned in the Writ, yet they omit to do, taking Sureties themselves; this hath been always used and followed Time out of Mind, as well of the Steward, as of the Plaintiff and Defendant; and upon the Oath of the Bailiff, being Sworn at the Court then next following, that he arrested the Defendant by the Body, whereupon such a Man, and such, became the Defendant's Sureties, that he should personally appear, meaning his Sureties, and to Answer the said Plaintiff, in his said Action. Now if

Vide the Warrant. Fol. 173.

the Defendant come not personally, at any one Court of three Courts then next following, and Answer the Plaintiff his due Debt, together with Damage, Costs, and Charges, which shall be taxed by two indifferent Tinnners in the Court, presently to be returned, for the doing whereof, the Steward maketh out a *Fieri Facias*, as well against the Defendant as his Sureties, for the Satisfaction of the Debt to the Plaintiff, together with his Expence and Damage besides; the Form of which *Distringas* I have set forth, and the Warrant against him that is annihilled, and the Form of the Writ of *Fieri Facias*. Vide Fol. 167.

A Tinner seized of a Right in a Tin-work one Year and a Day peaceably, cannot be amoved but by Law only.

If any Person or Persons be peaceably seized and possessed of a Tin-work, or any Part of a Tin-work, by the Space of one Year and a Day, no Man ought, by the Custom, to enter upon the said Right, be his Title never so good, until the said Title be fully tried and determined between the said Parties, by Order of the Lord Warden, or his Deputy of the Stannaries, who shall grant his Injunction upon a Plaint by him to the Party grieved. Vide Declaration of Trespas for that Purpose set forth. Fol. 171.

Freehold pleaded in Court to Bar the Plaintiff of his Action.

If any Action of Trespas be brought by any Tinner for a Trespas done in his Ground, and the Defendant coming into the Court pleadeth in Bar of the Action, that the Place whereas the Trespas is supposed to be done, is his Freehold, or else the Freehold of another Person, and prayeth to be dismissed, the Steward in this Case shall give him a Day at the next Court, to bring his Writing, or the Writing of him who he supposeth the Freehold to be, or credible Witnesses, that he, or the Person in whom he supposeth the Freehold to be, were seized of the Freehold at the Time of the Trespas against him supposed, whereby the Freehold may appear to him or them; that then upon these Proofs made, the Defendant shall be dismissed at the Discretion of the Steward, if not, to make Answer at his Peril

Right of Tin-works descendeth to the Executors.

If any Man die possessed of Tin-works or Tin-bounds, as by the Laws of the Realm, the Freehold always descendeth to his Heirs, but the Freehold of Tin-works, &c. goeth to the Executors, &c.

The

The INTRODUCTION. xxiii

The Fees of Bailiffs serving Proceſs in the Stannary Courts.

Any Bailiffs of the Stannaries ought not to take of any Priſoner being arreſted, more than 6 *d.* whether it be the chief Bailiff, or the ſpecial Bailiff, and that whether he be a Tinner or a Foreigner.

The Method to be uſed for collecting of Money for the Confirmation of the Charter of Tanners, or other Duties concerning the ſame.

When a Collection, or Sum of Money is to be raiſed, for the Confirmation of the Charter of Tanners, or for Redreſs of Cauſes touching Stannary Matters, this hath been the only way; the Lord Warden, Vice Warden, Deputy, or Substitute, being moved unto this Collection by Requeſt of the Tanners, cauſeth Precepts to be ſent to the Conſtables of every ſeveral Pariſh where Tanners are inhabiting, commanding them to be at the next Stannary Court of their Diſiſion, and then and there to bring a true Certificate by Writing, of every Worker, Spallier, Labourer, or medler with Tin of the Pariſh; this Certificate being diligently brought, then by Conference together of the Officers of the four Stannaries amongſt themſelves, they conſider how much the Sum ought to be collected, and conſidering likewise how this Sum ought to be raiſed, whether by Two-pence every Tinner, more or leſs; then are the Conſtables of every Pariſh commanded to gather it up, and bring it to the Hands of one appointed to receive it, at ſuch a Day, and Time, and Place, according to the Exigence of the Cauſe. There hath been another way, (that is) a Duty to be laid on every Block of Tin brought to the Coinage, which is ſaid to be the moſt ſureſt way; and in raiſing of this Duty, the Receiver of the Dutchy of *Cornwal* muſt be made privy hereto, to whoſe Hands all the Bills of Tin do come, who in receiving the Prince's Duties of Tin, receiveth likewise this Ratement.

The Supplication of Richard, Prince of Wales, and Duke of Cornwal, (translated from the French into English) to King Edward III.

MOST humbly complaineth your Son *Richard* Prince of *Wales*, to our Sovereign Lord the King, that whereas his loving Father Lord *Edward*, late Prince of *Wales*, whom God hath called to his Mercy, was ſeized and in Poſſeſſion of the Stannaries of *Cornwal* and *Devon*, together with certain Franchiſes and Liberties appertaining to the ſaid Stannaries,
ſome

some by Charter granted by Kings, and some by common Right, and some by Usage and Custom used out of Time of Memory of Man, until at the Parliament holden at *Westminster* last, before the Petition was made, to have an Exposition made of the said Charters granted, touching the said Franchises, Liberties, and Usages, without that our said Lord and Father, neither any other in the behalf of him, nor yet in the behalf of the Tinnars being called to the hearing of the said Declaration or Exposition, the which is holden to the great Disheriting and Damage of the said *Richard*, contrary to all Law and Reason, if Redress thereof be not had; whereupon the said *Richard* do make Supplication, that it would please our Sovereign Lord the King, to frustrate and annul the said Exposition, intending, verifying, and upholding, that the same was erroneously made, as before is said; and thereupon, that our Sovereign Lord the King would restore the said *Richard* in Possession of his said Franchises, Liberties, and Usages, after the Manner that Tinnars have used in the Stannaries of old Time, as is aforesaid.

N. B. The aforesaid Sheets I found in an antient Manuscript, carefully preserv'd, writ in *Henry VIII's* Time; the Records of those Laws then and before made, were all burnt in the Grand Rebellion in King *Charles I's* Time, at which Time the Prince's Exchequer at *Lothwithiel*, was plundered and burnt.

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5 l. ————— *ibid.*
24. No Person make any Wash of his Tin before he Name his Part-
ners. Penalty 5 l. ————— *ibid.*
25. Persons seized of Tin-works, and peaceably continue two Micha-
elmas Washes without Claim in open Court, &c. shall have the said
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Anno

Anno Viceffimo Quarto Hen. VIII.

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8. Persons conveying Gravel, Ruble, &c. to any Hatches, Ties, &c. of any Tin-works, while such Works are Working, Party grieved to have his Action against such Persons as usual ————— *ibid.*
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9. Where divers Tin-works, and Parts of Tin-works be contained in one Letter of Attorney, if Livery pass in one, or Part, it shall Enure, and be good Livery for the whole. Persons departing with all their Tin-works, &c. by Letter of Attorney, how determined 223
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	30. The Prince to have one half of all Penalties, and the Party who sueth for the same, the other	254
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	<p>F I N I S.</p> <p>N. B. Gentlemen are desired to correct the following Mistake, viz. From Signature (C), Fol. 8. to (G), Fol. 21. there appears to be an Imperfection of three Sheers, by that Vacancy; but it is entirely perfect; the Mistake being occasion'd by the different Printers, who were concern'd in printing it, by a wrong Computation of their Copy.</p>	

I

THE
Laws and Customs
OF THE
STANNARIES
IN
CORNWALL.

*The Charter of EDWARD I. being the first
Charter for erecting the TINNERS of Cornwall
and Devon into a Corporation.*

EDWARDUS Dei Gratia Rex Angliæ, Dominus Hiberniæ,
& Dux Aquitaniæ, &c. Salutem ;

Sciatis quod nos ad emendationem Stannariarum
nostrarum in Com' Cornub. & ad Tranquilitatem &
Utilitatem nostrorum Stannator' præd' earundem, concessisse pro no-
bis & hæredibus nostris, quod omnes Stannatores præd' operantes in
Stannariis illis quæ sunt Dominica nostra dum operantur in eisdem
Stannar' sint liberi & quieti de placitis nativorum, & de omnibus
placitis & querelis curiam nostram, & hæred' nostrorum, quoque
modo tangen'. Ita quod non respondeant coram aliquibus justiciar'
vel ministris nostris seu hæred' nostrorum de aliquo placito seu querela
infra præd' Stannar' emergent nisi coram custode nostro Stannaria-
rum nostrar' præd' qui pro tempore fuerint (exceptis placitis terræ
vitæ & membror') nec recedant ab operationibus suis per summoni-
tionem alicujus ministrorum nostrorum, seu hæred' nostror' nisi
per summonitionem dicti Custodis nostri : Et quod quieti sint de
omnibus Tallagiis, Theoloniis, Stallagiis, Auxiliis, & aliis custu-
mis quibuscunque in villis, portubus, feriis, & mercatis infra comi-
tat. præd' de bonis suis propriis. Concessimus etiam eisdem Stana-
toribus, † quod fodere possint Stannum & turbas ad Stannum fun-
dendum ubique in terris, moris, & vastis nostris, & aliorum quo-
rumcunque in Com' præd' & aquas & Cursus aquarum ad operati-

*Pleas of Land,
Life and Mem-
bers are ex-
cepted.*

*Rot. Cart. 20
33 E. 1. n. 41.
in Turre
Londini.*

*† Fodere &
fundere*

*Stannum, was
resolved to be
in Land of
Subject, as of
the Prince.*

*Co. 12. Re.
fo. 11.*

ones Stannar' præd' divertere ubi & quoties opus fuerit : & emere Buscam ad functuram Stanni, sicut antiquitus fieri consuevit, sine impedimento nostri vel hæred' nostrorum Episcoporum, Abbatum Priorum, Comitum, Baronum, seu aliorum quorumcunque. Et quod custos noster præd' vel ejus locum tenens, teneat omnia placita inter Stannator' præd' emergentia, & etiam inter ipsos & alios forinsecos de omnibus transgressionibus, querelis & Contractibus factis in locis in quibus operantur infra Stannar' præd' similiter emergent'. Et quod idem custos habeat plenam potestatem ad Stannarios præd' & alios forinsecos in hujusmodi placitis justiciand', & partibus justitiam faciendum, prout justum & hætenus in Stannariis illis fuerit usitatum. Et si qui Stannator' præd' in aliquo deliquerint per quod incarcerari debent, per Custodem præd' Arrestentur, & in Prisonsa nostra de *Lestwithiell* & non alibi custodeantur, & detineantur quousque. Secundum Legem & Consuetudinem Regni nostri deliberentur; Et si aliqui Stannator' præd' super aliquo facto infra Curiam præd' non tangente Stannar' præd' se posuerint in inquisitionem patriæ; una Medietas jurator' Inquisitionis hujusmodi sit de Stannator' præd' & alia Medietas de forinsecis, si de facto totaliter tangent Stannar' præd' fiant Inquisitiones sicut hætenus fieri consueverint. Et si quis eorundem Stannator' fugitivus fuerit, vel utlegatus, vel aliquod delictum fuerit pro quo catalla sua amittere debeat, catalla illa per Custodem præd' & Coronatorem nostrum Com' præd' apprecientur, & per ipsos proximis villatis liberentur ad respondendum inde nobis & hæredibus nostris, coram justiciariis itinerantibus in Com. præd' Volumus insuper & firmiter præcipimus quod totum Stannum, tam album quam nigrum, ubicunque inventum, & operatum fuerit in Com' præd', ponderetur apud *Lestwithiell*, *Bodmynian*, *Liskerret*, *Threnerne*, vel *Hellsone*, per pondera nostra ad hoc ordinata & signat', sub forisfactura totius Stanni, præd'; et quod totum illud Stannum coignetur in eisdem villis singulis coram custode præd' ante diem Sancti Michael' in Septembr' sub forisfactura præd'. Et concessimus pro nobis & hæred' nostris quod omnes Stannator' nostri præd' totum Stannum suum sic ponderatum licite vendere possint cuicunque voluerint in villis præd', faciendo inde nobis & Hæredibus nostris Coignagium & al' Consuetudines debitas & usitatas nisi nos vel Hæredes nostri Stannum illud emere voluerimus.

Quare Volumus & firme precipimus pro nobis & Hæredibus nostris quod Stannatores præd' nostri habeant omnes Libertates liberas Consuetudines & quietantias supra scriptas, & quod eis, sine occasione vel Impedimento nostri vel Hæredum nostrum, justic' Escaetor' vicecomit', aut al' Ballivor' seu Ministror' nostror' quorumcunque rationabiliter gaudeant & utantur in forma præd' iis testibus venerabilibus patribus, W. Coventry & Litchfield, S. Sarum, & J. Carlisle, Episcopis; Henric' de Lacy Com' Lincoln, Rad' de Monte Hermer, Com' Gloster' & Hertford; Humphrido de Bohun, Com' Hereford, & Essex, Adomaro de Valencia, Hughone le de Spencer, Joh' de Hastings, & aliis, dat' per man' nostram apud Westm' decimo die April' &c.

*A COPY of the aforesaid CHARTER
in English.*

EDWARD by the Grace of God, King of *England*, and Lord of *Ireland*, and Duke of *Acquitane*, &c. To all Arch-Bishops, Bishops, Abbots, Priors, Earls, Barons, Justices, Sheriffs, Provosts, Ministers, and all Bayliffs, and all his faithful Subjects, Greeting. Know ye that we, for the Amendment of our Stannaries in the County of *Cornwall*, and for the quiet Profit of our Tinnars aforesaid in the same, have granted for us and for our Heirs, That all Tinnars aforesaid, working in those Stannaries which are our Demesne, so long as they work in the same Stannaries, be free and quit from all Pleas of Villany, also from all Pleas and Complaints of our Court, and of our Heirs, in what manner soever touching, so that they shall not answer before any of our Justices or Ministers, or of our Heirs, for any Plea or Complaint granted within our Stannaries aforesaid, for the Time being, (Pleas of Land, Life or Limb excepted) nor that they depart from their Works by Summons of any of the Officers of us or our Heirs, but by the Summons of our said Warden, and that they be quit from all Tallages, Tolls, Stallages, Aids, and other Customs whatsoever, for their own proper Goods in the Towns, Ports, Fairs, and Markets, within the County aforesaid: We have granted also to the same Tinnars, that they may dig Tin and Turf for melting of Tin, every where in our Lands, Moors, and Wastes, and of all other Persons whatsoever in the County aforesaid; and to turn where, and so often as need shall require, the Waters and Water-Courses for the working of the Stannaries aforesaid, and to buy Bulhments for the melting of Tin, as of old time have been accustomed to be done without Let of Us, our Heirs, Bishops, Abbots, Priors, Earls, Barons, and other Persons whatsoever; and that our Warden aforesaid, or his Lieutenant, hold all Pleas growing between the Tinnars aforesaid, and also between them and other Foreigners, of all Trespasses, Complaints and Contracts in Places where they work in the Stannaries aforesaid, likewise arising: And that the same Warden have full Power to justifie the Tinnars aforesaid, and all other Foreigners in such Pleas, and to do Justice to the Parties, as Justice requireth, as heretofore in the said Stannaries hath been accustomed; and if any of the said Tinnars in any thing shall offend whereby they ought to be Imprisoned, that they be Arrested by the Warden, and be kept in our Prison of *Lostwithiell*, and not elsewhere, and there detained untill they be delivered according to the Law and Custom of our Realm; and if any of the Tinnars aforesaid, upon any Fault within the Court aforesaid, not touching the Stannaries aforesaid, shall put himself upon any Inquiry, one Half of such Inquest shall be of the Tinnars aforesaid, and the other Half of Foreigners; and of Fact altogether touching the Stannaries aforesaid, the Inquest to be made

*Pleas of Land,
Life or Limb
are excepted.*

*May dig Tin
and Turf for
melting Tin a-
ny where in the
Prince's Land,
&c. and of all
other Persons
whatsoever
— resolved by
all the Judges.*

as

as heretofore they have been accustomed; and if any of the said Tinnars be Fugitive or Out-lawed, or commit any Offence, for which he ought to lose his Cattel, the Cattel aforesaid be appraised by the Warden aforesaid, and our Coroner of the said County; and by them to the next Village be delivered, to answer to Us and our Heirs, before the Justices itinerant in the County aforesaid. Furthermore, we will and straightly command, that all Tin, as well White as Black, wheresoever it shall be found and wrought in the County aforesaid, be weighed at *Loftwithiell*, *Bodmyn*, *Liskerrell*, *Truroe*, or *Helstone*, by our Weights thereunto ordained and made, under the Forfeiture of all the Tin as aforesaid: And that all Tin be coined in the same Towns yearly before the said Warden, before the Day of Saint Michael in September, under the Forfeiture aforesaid. We have granted also for Us and our Heirs, that all our Tinnars aforesaid, all their Tin weighed, may lawfully Sell to whom they will, in the Towns aforesaid, doing thereof to Us and our Heirs the Coinage, and other the Customs due and used, except We and our Heirs will buy the Tin our selves; wherefore We will and straightly command, for Us and our Heirs, that our Tinnars aforesaid, have all Liberty, free Customs and Covenants above written, and that the same, without Let or Impeachment of Us, our Heirs, Justices, Escheators, Sheriffs, or other our Bailiffs or Ministers whatsoever, they reasonably enjoy and use in Form aforesaid: These being Witnesses, the Worshipful Fathers, William Bishop of Coventry and Litchfield, S. Bishop of Salisbury, and Jo. Bishop of Carlisle; Lacy Earl of Lincoln; Ralph of Mount Horiner, Earl of Gloucester; and Humphry Bohun, Earl of Hereford and Essex; Adona of Valence; Hugh Despon; Sir Jos. Hastings, and others. Given by our Hands at Westminster, the Tenth Day of April, in the Thirty third Year of our Reign.

There were Two several Charters bearing Date the same Day; the one *ad Emendation' Stannar' in Com' Cornub'*; and the other *ad Emendation' Stannar' in Com' Devon'*, dated the Tenth of April, in the Thirty third Year of Ed. I.

These Charters were allowed by Parliament 35 Ed. I. the like in 1 Ed. III. & 17 Ed. III. An Exposition of the said Charter was made in Parliament 50 Ed. III. hereafter set forth; The Commons of the County of Cornwall, for divers Oppressions done by the Officers of the Stannaries, by Colour of their Privileges and Liberties, require the King by Parliament, to explain the Grant to them made; Which being in French, have translated into English, with the King's Answer, Article by Article.

*The Prayer of
the Petitioners
of the Tinnars
of Cornwall
and Devon.*

The like did the Commons of Devon exhibit for their Liberties, agreeing in Grant and Answer, as above, which is as follows: Confirmed 3 Ed. IV. A Charter of Pardon granted by Hen. VII. to all the Tinnars; confirmed 1 Ed. VI. 1 & 2 P. & M. & 20 Eliz.

The said Charter was confirmed to the Tinnars of Devon *de verbo in verbo*, Ann. 4 Ed. II. Ann. 17 Ed. III. 1 Ed. IV. & 3 Hen. VII.

The

*The Declaration, Limitation and Exposition of
the said Charter of 33 Ed. I. that was made
in Parliament in Ann. 50 Ed. III. but never
Printed before. Translated from the French.*

TO our most Excellent Lord the King, this Petition in behalf of the Commonalty of the County of Cornwall, that he would be pleased, by the Advice of his Clergy, Earls, Barons, and other wise Men in this present Parliament, to order that some Remedy may be put to the many Extortions, Oppressions and Grievances that are from day to day put in practice, and hath for a long time been so practised by the Tinnars and the Officers of the Stannaries, as well as by the Lords and others, to the prejudice of the said Commonalty, under colour of the Franchizes to them granted by the Charter, from our Lord the King, and from his Predecessors, contrary to the Law and the Intention of the said Charters, and by their evil Interpretation of the said Charters, and that the said Charters, and all the Franchizes in them comprehended, may be read and declared Article by Article, so that the Commonalty of the said County may fully and directly understand the Contents thereof, and that the said Declarations may be recorded; and if there should be any Article in the said Charters that relate to the Customs and Uses, that our said Lord the King would be pleased in a short time to order and command sufficient Judges, Gentlemen, and others learned in the Law, in such behalfs, to enquire into the said Customs and Uses, and that they may have power to hear and determine concerning all the Conspiracies, Confederacies and Alliances, Plots, Extortions, Oppressions, Grievances, Falsities, and Maintenances, which they the said Tinnars, and their Officers have committed against the said Commonalty, where any of them may complain, if he please; to which end also, the King being a Party concerned, it being to be understood, that our Lord the King will be a great Gainer; and on the other part, if there be no Remedy put to it at this present, they will in a short time daily go on grinding, disinheriting and destroying them, which God forbid. The Tenor of any of the Articles in the said Charters, that there is occasion for an Explanation of, be it understood, as follows, viz.

“Sciatis nos ad emendation’ Stannariar’ nostrar’ in Com’ Cornub’ *Imprimis.*
 “ad tranquillitatem & utilitatem Stannator’ nostrorum præd’ earun-
 “dem, concessisse pro nobis & Hæredibus nostris quod omnes
 “Stannatores præd’ operantes in Stannar’ illis, quæ sunt Dominica
 “nostra dum operantur in eisdem Stannar’ liberi sint & quieti de
 “placitis Nativorum, & de omnibus placitis & Querelis Curiam
 “nostram & Hæredum nostrorum qualitercunq; tangentibus, ita
 “quod non respondeant quorum aliquibus Justiciariis vel Ministris
 C “nostris

“ nostris seu Hæredum nostrorum de aliquo placito seu Querela,
 “ infra præd’ Stannar’ emergen’ nisi coram Custode nostro Stan-
 “ nar’ nostrar’ præd’ qui pro tempore fuerit, (exceptis placitis Ter-
 “ ræ, Vitæ & Membror’) nec non recedant ab operationibus suis
 “ per Summonitionem alieujus Ministrorum nostrorum seu Hære-
 “ dum nostrorum nisi per Summonitionem dicti Custodis nostri, &
 “ quod quieti sint de omnibus Tallagiis, Theoloniis, Stallagiis,
 “ Auxiliis, & aliis Customis quibuscunq; in Villis, portubus, Feriis
 “ & Mercatis infra Com’ præd’ de bonis suis propriis, &c.

Whereupon be pleased to declare, if any other Persons besides the
 Tinnars, working in the said Stannaries, shall have and enjoy the
 Franchizes granted by the King in the said Charter, and as also the
 said Charter implies, “ Quod omnes Stannator’ præd’ operantes in
 “ Stannar’ illis sint liberi, &c.” And other Persons than the Work-
 ing Tinnars, that is to be understood, their Masters that hire them,
 and their Servants and others claiming also the said Freedom; and
 moreover, please to declare, if the said Working Tinnars shall enjoy
 the Franchizes at any other time than while they are working in
 the said Tin Works; as also the said Charter implies, “ Dum operan-
 “ tur in eisdem Stannariis liberi sint, &c.

In right of the said Words, “ Operantes in Stannar’ illis, & dum
 “ operantur in eisdem, Stannar,” they are clearly to be understood,
 “ de Operariis Laborantibus duntaxat in Stannar’ illis sine Fraude
 “ & dolo & non de aliis nec alibi Laborantibus.

Item, Let it be declared, if also the Working Tinnars shall enjoy
 those Franchizes, so as they enjoyed them at the time even in the
 Demesne which did belong to the King his Grandfather, who is now
 our present Lord the King: The which King, Grandfather, did
 grant to them the said Charter at the time when he granted them
 the said Franchizes; as also the said Charter implies, “ Quod omnes
 “ Stannator’ præd’ operantes in Stannar’ illis, quæ sunt Dominica
 “ nostra, dum operantur in eisdem Stannar’ sint liberi, &c.” And
 they claim to have Right that they shall work in other Places,
 as well as in the said Demesne of the King Grandfather, in right
 of the said Article, for that there is another Article in the said Char-
 ter, that gives them Leave and Licence to dig “ in Terris, Moris,
 “ & vastis ipsius Dom’ Regis & alior’ quorumcunq; in Com’ præd’
 “ & aquas & Cursus aquar’ ad operantes Stannariar’ præd’ divertere
 “ ubi & quoties opus fuerit, & emere Buscam ad functurum Stanni
 “ sicut antiquitus fieri consuevit, sine Impedimento Dom’ Regis
 “ Hæred’ suorum, Episcopor’, Abbatum, Comitum, Baronum, seu
 “ alior’ quorumcunq;, &c.

It seems to be a very necessary thing in this Case, that their
 Customs and Uses be enquired into, and that the Warden of the
 Tin-Work have a Charge, that he do not permit any Tinner in the
 said Tin-Work, to dig in any Medow-Land, nor Woods, nor to
 seek among Woods, or among Houses, nor disturb Waters, or any
 Running Waters out of Malice. And if it should so happen, that the
 said Warden should make any Excuse, that the said Tinnars will
 not obey his said Orders, nor cease their malicious Doings for him,
 that

that then immediately Complaint shall be made to the King and Council, and due and hasty Remedy shall be ordered.

Item, That it be in a special manner declared, that those Judges that shall be now assigned to go those Circuits, to make the said Enquiry, take the Issue of the County, if there is any, between Party and Party; and how that Article foregoing, concerning the Customs and Uses has been executed before the said Charter of the King Grandfather was made, and by what People the said Issue shall be tried, (that is to say) the which by Foreigners only, or by Tinnars only, or by both, &c.

In right of the said Article, that the Advice of the Grand Council be taken thereupon, and that the Records in Eyre be there, if there be any, and other Evidences and Remembrances of the Kings Treasury, and elsewhere, and then, and also the Remembrances of the Lords, which shall be at that time searched and duly examined: And also the Books and Evidences which the said Tinnars have, be viewed and narrowly enquired into, thereby we may the better come to the Knowledge of the right Truth.

Item, Let it be declared, whether the Warden of the Stannary can decide any Cause between Tinner and Foreigner, upon any Dispute arising otherwise than in those Places where they are at work, as the said Charter implies, "Quod Custos noster præd' vel ejus locum tenens teneat omnia placita inter Stannator' præd' emergent, & etiam inter ipsos & alios forinsecos de omnibus Transgressionibus, Querelis & Contractibus factis in locis in quibus operantur infra Stannar' præd' similiter emergent, &c." Wherefore he is to decide the Cause of such Disputes as shall arise between such Persons as are both of the same County.

In right of this Article, if they have extended the Jurisdiction clearly, according to the Words of the said Charter (that is to say) "In locis ubi iidem operarii operantur," and not elsewhere, and in no other manner.

Item, Be pleased to declare upon what the said Charter implies, albeit, "Et si qui Stannator' præd' in aliquo deliquerint per quod in carcerari debeant, per Custod' præd' arrestentur, & in prisona nostra de *Loſwithiell*, & non alibi detineantur, quousque secundem Legem & consuetudinem Regni nostri deliberentur." And in this case, that a Tinner be taken for Felony, and delivered to the Warden, he is very often suffered to go at large, from whence much Danger hath many times happened, and also from there not being a Delivery of the said Goal not above once in Ten Years. And that which is worse, by colour of this same Article, the said Warden takes those that are imprisoned for Arrears of Accounts out of other Prisons, and sends them to *Loſwithiell*, where they are so much favoured, that they never care whether they come to any Agreement with their Lord.

As to this Article, let it be with all Diligence enquired into, before those Judges that now next of all shall be assigned, that they enquire by what Authority they do it; albeit, since in the said Charter they are excepted in Special, all Suits of Lands, and of Life, and of Members, and that the Return of that Enquiry be declared in Special, if there be occasion.

Commissions
set forth at
large in the
4th Institut.
Fo. 235.

Upon which a Commission did issue under the great Seal, to enquire what was the Rights and Privileges of the Stannaries, *vide* 4 Institut. Fo. 235.

51 Ed. 3.

Upon the Return of which Commission, the Commons of the County of Devon, desired, that the Commission touching the Customs of the Stannaries being now done in Chancery, the rest of the Liberties of the Stannaries might be declared according to the Promise of the last Parliament, and that the same be made Letters Patents.

51 Ed. 3.

Richard Prince of Wales, prayeth, that the Declaration made in the last Parliament, as touching the Stannaries in Devon and Cornwall, may be revoked, considering the same was made, the Prince, nor any of his Council, or any other the Officers being called or made privy thereto.

51 Ed. 3.

The County of Devon did then pray, that in regard the Customs were then thought hurtful to the Profits of the Prince, that they might answer thereto.

The King and Princes Council answers, That the Circumstance of the Petition shall be examined by the Council of the King and Prince, and thereupon Order shall be taken.

8 Rich. 2.

Which said Charter so declared, was in the 8th of Richard II. (when King) ordered to be put in execution.

*The several Laws and Constitutions made during
the Reign of King JAMES I.*

WHEREAS the Right Honourable *William* Earl of *Pembroke*, Lord Chamberlain of his Majesty's Household, Lord Warden of the Stannaries of *Devon* and *Cornwall*, Steward of the Dutchy of *Cornwall*, Knight of the Noble Order of the Garter, and one of his Majesty's most Honourable Privy Council, intending to uphold the Stannaries, and the Laws Customs, Liberties and Privileges belonging to the said Stannaries, not being contrary or repugnant to the Laws and Statutes of this Realm of *England*, hath by his honourable Letters of Command, bearing Date the 17th of *June*, Anno Dom' 1624, from *White-Hall*, required *William Corrington*, Esq; being his Deputy-Warden within this County of *Cornwall*, to give Orders to four Mayors of the County of *Cornwall*, for the summoning of Twenty four of the most sufficient Stannators, according to the ancient and laudable Customs. And thereupon the said *William Corrington*, by his Warrant accordingly given to the four said Mayors (*viz.* *Lanceston*, *Loftwithbiell*, *Truroe*, and *Helstone*) did require the said Mayors, and their Council, to return six of the most able and sufficient Stannators of the four Stannaries to appear at *Loftwithbiell*, to Consult, Enquire, and take into their Consideration, Misdemeanours, and the several Errors in the several Courts, as also the several Defects and Abuses of Tin and Tinnors in general, and likewise for the replenishing of all ancient Customs and Privileges, with their Continuance of Time, as their ancient Charters have confirmed unto them; and upon mature Deliberation to resolve upon such Orders, as in their Judgments shall be thought expedient, for the redressing and amending of any Inconveniencies or Abuses within the Stannaries, and to reduce things in question and doubtful (touching Liberties and Customs) to a Certainty. Upon which Command the said Mayors having returned, and upon their several Precepts warned for the Stannary of *Foy More* these six, *viz.* *Emanuel Langford*, Esq; *John Beere*, Esq; *George Collins*, Gent. *Edmond Kneebone*, Gent. *Robert Condon*, Gent. and *Richard Lobb*, Gent. For the Stannary of *Black More* these six, *Thomas Hacer*, Esq; *Nicholas Saule*, Esq; *Thomas Hoblyn*, Esq; *Nicholas Kendal*, Esq; *Thomas Hoblyn*, jun. Esq; and *William Hambly*, Gent. For the Stannary of *Tywarnbayle*, *Nicholas Borlase*, Esq; *Thomas Polwheele*, Esq; *William Cather*, Gent. *James Daniel*, Gent. *Alexander Polkinborne*, Gent. and *John Hankarrow*, Gent. For the Stannary of *Penwith* and *Kirrier*, *Ezekiel Grose*, Esq; *William Robinson*, Gent. *Thomas Flamack*, Gent. *Thomas Edwards*, Gent. *Edward Sperton*, Gent. and *John Guavas*, Gent. Who assembled themselves together at *Loftwithbiell* aforesaid (by Vertue of the Directions) the 28th of *September*, in the Thirty second Year of the Reign of our Sovereign Lord King *James* the

*Chart. Ed. 1.
the first Char-
ter to the Tin-
ners of Corn-
wall;*

*And in the
33d Hen. 7.
Chart. Pardon.*

First, did find and affirm the Charter granted by King *Edward* the First, in the Thirty third Year of his Majesty's Reign, unto the Tinnerns of this County, to be the first Grant made by any of the Kings of *England*, by any Record we have yet found; and also that in the Thiry third Year of the Reign of *Henry* the Seventh, there was a Charter of Pardon granted to the Tinnerns, and to all of this County; in which Charter there was contained a further Grant to the aforefaid Tinnerns, and to all that intermeddle with Tin; That from thenceforth no Laws or Ordinances should be by the King's Majesty, or by the Prince, nor by either of the Council, in Prejudice or Charging of the Stannaries, except Twenty four good and lawful Men, *viz.* Six of every Stannary where they were warned or called thereto, and there to give their Assent and Consent, as by the said Charter more plainly appeareth.

We therefore being here assembled according to our ancient and laudable Customs, by Vertue of the Directions aforefaid, have thought fit, with the full Consent and Agreement of every one of us, the afore-named Twenty four, to set down, constitute, ordain, and appoint certain Orders containing our ancient and laudable Customs, meet and needful to be had in continual Remembrance, for the good Ordering and Government of the said Stannaries, and also of such Orders as are necessary for Reformation, and crept into the same, and in the Offices of the said Courts, and in regard of the length of Time since any Meeting or Convocation hath been had within the County of *Cornwall*, hath made any things of special good Use for the good Government of poor Tinnerns, to be almost utterly forgotten, and instead thereof, Misdemeanors, and evil Usages of divers things have in a sort gained the Name and Reputation of Customs: Likewise of Fees of the Officers in Stannary Courts much increas'd, which altho' we are not at this time able to limit an equal Remedy to redress every Evil, or to remember and certainly relate all the laudable and good Customs which are to be observed in the said Stannary Courts, have yet thought it most expedient, in the plainest manner we could, to set down the Certainty of such things as are necessary, to suppress the greatest Inconveniences, and with certain Care and Circumspection, have perused all ancient Records, or other Writings we could attain unto, which we conceived needful to certify our Judgments in the very Truth.

ARTICLE I.

And whereas we do in the first Place order, constitute and ordain all we lawfully may, that the ancient Liberties, Privileges, Customs, Rights and Freedoms heretofore granted and confirmed by the King's Majesty's Royal Progenitors, the Kings and Queens of this Realm, to the Tinnerns, together with all other Freedoms and lawful Customs time out of mind used in the Stannaries of *Cornwall*, and not contrary or repugnant to the Laws and Statutes of this Realms are to be kept and observed.

II. In

II.

In the like manner we present, order, and appoint, that the Owners of Blowing-Houses in every Stannary, or one of them, or their Deputies, shall twice every Year, at the Law Court Days, give unto the Steward of the same Stannaries, the Names respectively of such Blowers as they shall entertain to blow in their Houses, upon Pain of Forfeiture for every such Offence, 40 s.

To certify the Blowers Names, upon Penalty of 40s.

III.

We appoint and ordain, that every such Blower shall at the same Court, each Blower for himself respectively, be sworn not to make falsify'd Tin by Way of artificial Mixture whatsoever, viz. to make it with baser Metal than Tin, and to deal justly with every Man as near as they can, and to bring into the Court twice yearly a true Note in Writing, signed with the Signs of the Owners of the Blowing-Houses, or some of them, or other Deputy, certifying the just Number of Peices, Slabbs, or Spoonfuls of Tin above a Pound Weight, which have been blown from the first of May unto the fifteenth Day of October inclusive; the second Certificate to certify all Tin blown from the fifteenth of October to the last Day of April inclusive, yearly, together with the Names of the Men for whom the same Tin hath been blown, upon paying to the Lord Prince for a Forfeiture for every Default herein, 5 l. And that the Owners for every Blowing-House shall sign the said Blowers Certificate, being required thereunto, upon Payment of the like Forfeiture: Provided, if any new Blower be admitted or permitted into Service of any Blowing-House, that then the said Blower be sworn as afore-said at the next Court after the House do leave Work, upon Pain of forfeiting 5 l.

Blowers to be sworn.

IV.

Now we do appoint, that no white Tin uncoined, shall be carry'd from any Blowing-House, directly or indirectly, but only to the Coinage-House, upon Pain of Forfeiture thereof. But if any Tin remain blown and uncoined after the time of any Coinage, it shall be lawful for the Owners of the said Tin, to keep the Tin afore-said in his own Custody wheresoever, so as the same may be duly certified to their Agents, or their Deputies, or Supervisors, upon Demand, unto the Owner of the Blowing-House, or to him that keepeth the Accounts.

No Tin uncoined to be carried from the Blowing-House, but to the Coinage.

V.

We likewise order, that whosoever be apprehended in Fact, for conveying, buying, and selling of Tin uncoined, or that the same appear by Verdict, Confession, or due Proof before the Vice-Warden thereof made, the same Tin being above the Weight of one Pound, whereby the Lord Prince shall be defrauded of his Customs, shall pay a Fine to the Prince for such his Offence, to the full Value of the Tin so coined, bought and sold, besides the Forfeiture of the said Tin so uncoined it self: Or if the said Tin shall be seized upon, and that every one that shall be found accessary, aiding or abetting thereunto, shall forfeit and pay to the Lord Prince 3 l. and also every

The Penalty of selling Tin uncoined.

every of the said Offenders to be further punish'd, at the Discretion of the Lord Warden, or Vice Warden, to the Quality of his Offence. And if the Tin shall be so far convey'd away as it is past Seizure, or the Buyer, if he hath not paid for the same, shall further yield the true Value thereof to the Lord Prince, and the Buyer in this Case shall be freed of his Contract with the Seller, and no Action shall lie for the Price.

VI.

*Not to sell the
Tin Ashes.*

We likewise order, that no Tinnners shall sell their Ashes to any Plummer or Pewterer, upon pain of Punishment at the Vice-Warden's Discretion.

VII.

Tin Weights.

We likewise present our ancient Custom to be a Standard of ten Pieces, viz. 200 lb. 100 lb. 50 lb. 32 lb. 24 lb. 16 lb. 8 lb. 4 lb. 2 lb. For every Tin Weight should remain in Brass in the Exchequer at *Loftwithiell*, and when either the same should grow dull, or the Weights worn, then the same should be fetched from thence to any of the other Courts, and a certain Company of the chief Tinnners of the one Party, and of the Buyers of White of the other Party, should assemble and meet in the Coinage-Hall of every Court, the Day before the Coinage, and then in their Presence both the Beams should be rectified, and the Weights assured, to give due Weight between Man and Man. And this was done usually when there was Complaint of Wrong on either side, and ordinarily executed once in seven Years.

VIII.

*For amending
the Beam.*

We agree that the Pin in the Beam, and each Scale in the main, in every several Town within the Stannaries of *Cornwall*, being grown Blunt and imperfect by long Continuance and often Usage, as also very much worn in the handling, but the same may be sharpened and rectified three Days before *November* Coinage next in every Stannary, according to the Statute of the 11th of *Henry* the Seventh, on that Cause provided, in the Presence of the Officers and principal Tinnners of each several Stannary.

IX.

*Trial by Jury
for Tin tarred.*

We find that if any Tin be tarred, wherein the Owner of the Tin thinketh himself grieved, he shall have his Trial by a Jury of Tinnners, if he requireth the same; and if the Tin so tarred prove defective to the full Value assessed by the Inquisition, the Owner of that Tin shall pay the Cost of that Jury, and make Abatements to the Agents according to the Defects of the Tin; but if the Tin be not found faulty to the Value assessed by the Tarrer, then the Person or Persons that so take upon him or them to assess such Tar upon the Tin for the Tinner, shall pay the Cost of the Jury, and Damage to be levy'd by *Fier' fac'* from the Steward of the Stannary where the Tin is so Tarred.

X.

*Making Cased
or falsify'd Tin.*

We find and agree, that if any Man make any Cased Tin, (viz. do hide worse Matter than Tin within his or their Blocks of Tin, which

which the Tarer, by his outward Assay with his Chizel, cannot come by or assay for his Trial) the Owner of the said Blocks, if he be any way privy or consenting thereunto, having his Mark-House, Mark and Number returned into the Court where it was coined, and so try'd by the Jury of Tinnars in the same Stannary, shall forfeit for his Offence the whole Tin to the Lord Prince, and 5 l. to the Buyer of the said Tin, and the Maker or Blower of the said Tin shall forfeit for his Offence therein 5 l. and be imprisoned the space of one whole Year, without Bail or Mainprize. But if the Block of Tin be made by the Procurement of the said Owners, Servants and Blowers, without the Owner's Privy or Consent, then the Servant and Blower to forfeit 5 l. apiece, and they both to be imprisoned by the Space of one whole Year, without Bail or Mainprize; the one half of the said Tin to the Lord Prince, the other half to the Buyer of the said Tin, to be levied by *Fier' fac'*.

The Forfeiture.

XI.

We find and present, that as the Blower, so every other Officer, whose Voice is the Rule of Right between Man and Man, (as, namely, the Poiser and Tryer, and their Deputy) ought to be sworn in the Stannary Court once every Year, at one of the Law-Courts, duely and justly to exercise their Offices, and to divide Right between Party and Party, without any Partiality, upon Pain of 5 l.

Poiser and Tryer to be sworn in Court once a Year, on Penalty of 5 l.

XII.

We further present, that no Person shall implead the Privilege-Tinner in any Foreign Court, viz. a Labouring Tinner, a Blower, Owner of Blowing-Houses, a Spaliard, and Adventurer that is at any Charge for getting or making of Tin, a Smith, a Collier, or any Person that is employed in working or making any Tin, or about any necessary Utensils for the working of the same; if any such Person shall implead a Tinner for any Cause (except for Life, Land, or Limb) arising within the Stannaries, the Lord-Warden, Vice-Warden or Steward of the Stannary, upon Petition or Information to him exhibited on that behalf, is to call all such Parties before him, and upon due Proceedings either by the Party's Confession or otherwise, the Lord Warden or Vice Warden ought to command such Persons to desist from such unlawful Suits against such Tinnars out of the Stannaries; and if the Parties so suing shall disobey his Command, or continue their Suit in any sort afterwards, he shall forfeit the Sum of 40 s. and the Lord Warden or Vice Warden, then to commit such Offenders to the Prince's Goal at *Loftwithiell*, as hath been ever used and accustomed, there to remain until he surcease his Suit, and shall pay the Tinner his reasonable Cost and the Fine of 40 s. the one half to the Prince's Highness, and the other half to the Party grieved; all which said Forfeiture or Fine, shall be paid to the Vice Warden, and by him deliver'd to the Party grieved, and the other half to be paid to the Stannary Court where the Offence was committed; the next Court after the Payment thereof to the Tin Bay-

Who are Tinnars; Not to be impleaded out of the Stannary-Courts, except for Life, Land, or Limb. 4 Instit. 229. Roll. Vol. 1. p. 295.

Vid. Chart. E. 1. and Exposit. the 50th Ed. 3. 4 Instit. 232, 233, &c.

A Tinner may sue Foreigners at the Common Law, if he thinks fit, vid. Stat. Car. 1.

By Stat. Car. 1. be a working Tinner in some Hamlet, Village or Township.

Vid. Exposit. Chart. Ed. 1. in locis ubi operantur.

liff, to be estreated by the Steward, who is to be accountable for the same, as for any other Fine or Amerciament that shall happen to grow due in the said Stannary Court, by any other Ways or Means whatsoever.

XIII.

Between Tin-
ner and Fo-
reigner.
4 Institut.
fo. 230.
Tinnars may
sue at Common
Law. Vid.
Stat. Car. 1.

We find if any Tinner sue a Foreigner, or any Foreigner sue a Tinner, or a Tinner sue a Tinner at Common Law, or in any Foreign Court, for Matters determinable in the Stannary, and procure a Writ of *Hab' Corp'*, or Prohibition for removing any Suit out of the Stannary, the Matter being determinable in the Stannary, that it appears by manifest Proof to the Vice Warden, shall forfeit for every such Offence 40 s. and suffer Imprisonment at the Lord Warden's or Vice Warden's Pleasure; the Fine to be levy'd by *Fier' fac'*, the one half to the Lord Prince, and the other half to the Party grieved, provided that it be not prejudicial to any Tinnars within his Highness's Dutchy Manor.

XIV.

Tinnars free in
Fairs.
Vid. Char.
E. 1. & Stat.
Car. 1.

We find that according to our ancient Customs, all Tinnars are free in all Fairs and Markets within the Stannary, for selling their own Goods from all Taxes and Tollages.

XV.

Tinnars not to
be Jurors, but
only in Stan-
naries.

We find according to our ancient Customs, that no Priviledged Tinner is to be impannelled in any Jury, either for the King's Majesty, or else between Party and Party, but only in the Stannary Courts.

XVI.

Tinnars to pay
no Tithe out of
their Wages.
This Tithe
was given to
Simon, Bishop
of Exeter, by
King John.
16l. 13 s. 4 d.

We find according to our ancient Customs, that the labouring Tinnars ought not to pay Tithe out of their Wages, tho' the Ministers oppress them, and force them to pay the Tithe yearly out of their Wages, his Highness paying to the Bishop of the Diocess 16 l. odd Money yearly, in lieu of Tithe for Tin and Tinnars in Cornwall and Devon.

XVII.

Cutter of a
Pitch to nomi-
nate his Own-
ers Names.

We find according to our ancient Customs, that every Tinner that shall new cut any old Bounds, shall at the next Court within the Stannary where the Work is, enter his Proclamation for the same, and thereon nominate all his Owners, and the Day of his Pitch, otherwise the said Pitch to be deemed void.

XVIII.

Bounds not re-
newed, yet re-
newed before
new pitched.

When Bounds are kept by renewing according to the Custom, and the Keeper shall carelessly let slip his Day of renewing, and shall afterwards come again and renew the old Corners before any other Tinner shall put a new Pitch upon them, that such renewing shall be taken for a good renewing against any other Pitch.

XIX.

Partners and
Owners, how
to work.

We find that where there are many Partners in a Tin-Work, such Tinnars as above, on Warning given, shall not set their Parts to farm, nor bring in their Men and Money accordingly in one Month after Warning given them, and pay the Cost and Spale for that

that Month, shall be excluded from entring into the said Work, and adventuring therein during the said Adventure, and shall be contented with such Farm as the Work is set for by the rest, in case where all the rest work their own Right, the Farm shall be rated and assessed by three indifferent Tanners, to be chosen out by the Workers, one by the Owners, and one by the Steward of the Stannary-Court within which the Work is; and in such Case there be none upon working, the Set made by most of the Owners shall be good and available against the other Copartners.

XX.

We find that neither Steward, Bayliff, Attorney, Lawyer, or any other Officer or Practitioner in the Stannary-Courts, nor their Children, nor any one in Trust for them, directly or indirectly be made Owners of any Tin-Works in Strife or Variance, and all Rights in Tin-Works so disposed shall be deemed void against them, and it shall be to the Church-Wardens for the Time being, in the Parish where the Work lieth, towards the Relief of the Poor of the said Parish; and that no Tinner shall give, sell, pawn, or promise, directly or indirectly by any means, any Part of any Tin-Work in Variance, or the Whole to any great Man in the County, or Person of Power against the Tanners, or to any other in their Use for defending of them in Trust for them, whereby the Right may be overcome by Countenance, shall for such Offence forfeit 5 l. and the Gift of Sale to be void.

No Practitioner, &c. to be Owner of any Tin Work in Variance or any other Person; Forfeiture 5 l.

XXI.

We find, that whosoever hath been in a quiet Possession of a Tin-Work, and Continuance of working by the Space of a Year and a Day, by himself, or his Farmers, or Tanners, shall not be removed from his Possession, or dispossessed of his Farm Tin by any Command, Order, or Writ, before the Judgment against him for the Right of the Work, and whether neither Party hath been working a Year and Day, but that their Right stand only upon old renewed, or new pitched, without continued Work or Bounds, that in this Case the Workers that first discovered the Load, shall not be molested, but continue their working until Verdict shall be given against them; but in this the Farm in the Interim shall be sequestered in mean Hands, and to be answerable to them that shall recover the Right by legal Trial.

Possession in a Tin-Work how far available.

New pitched.

Sequestration.

XXII.

We agree, that where divers Owners being in one Work, or Partners in one Pair of Bounds, if any of them shall defraud his Partners in, and so suffer the said Work or Bounds to be void, and compoundeth with a Stranger to cut new Bounds, making some of his Children or others Owners, and giveth not reasonable Warning to his Partners, offering to shew the four Corners; he that goeth so about to defraud his Partners loseth his Part of the said Work or Bounds to his said Partners; and he that pitcheth, as he that defraudeth, shall fall into the Penalty of 20 l. apiece, the one half to the Lord

Of suffering Bounds to be forfeited.

Four Corners.

Lord Prince, and the other to him so defrauded, to be levied by *Fier' fac'*.

XXIII.

*A Gallon and
a Foot of Black
Tin, what it
is.*

We agree that all Gallons and Foot-Vats are to be called in and offered by four sufficient Men, to be sworn for the offering and fealing thereof, all at one Size, according to the ancient Standard; viz. the Gallon ought to contain six Wine Quarts, *Winchester*; and the Foot-Vats ten Wine Quarts; and whosoever buyeth or selleth otherwise than by such a sealed Gallon of Foot-Vats, shall forfeit 10 s. for every such Offence to Buyers and to Sellers, to be returned to the Head Bayliff of any Stannary to be the Offerers, and to have 2 d. apiece, and for the Seal 4 d. to the Tin Bailiffs, and the Steward to have his Fee 4 d. for giving the Oaths.

XXIV.

*To buy Black
Tin but at the
Wash, or of
suspected Per-
sons.*

We find according to ancient Custom, that whosoever shall buy or receive any Black Tin Stuff, or Leavings from Blowing-Houses, from any suspicious Persons that are not known to be Adventurers of Tin, or to be Makers of White Tin, or Owners of Blowing-Houses, or shall otherwise receive any Tin Stuff from any Tinner than only at the Wash, before sufficient Witnesses at the least, shall forfeit double the Value of the Tin so bought by him.

XXV.

*For keeping of
Courts.*

We moreover find and establish, that all Stewards of the Stannary-Courts do keep all their Courts from three Weeks to three Weeks, according to the Custom, and not some at a Month's End, and some at a Fortnight, for that is to the great Prejudice of the Stannators, except such Courts as were always called Customary Courts, kept the Morrow after certain Fairs within each Stannary, which have been accustomed to be kept, tho' they shall within a Week after the ordinary Courts, at the Place where the Fair is kept, for the Benefit of such as do attend the Fair and the Court, and that the Steward do at the End of every Court, appoint the Day and Place of the next Court, upon Pain of 10 s. the one half to the Lord Prince, and the other half to him that will sue for the same, if it be presented on a Law Court-Day on Jury there sworn, and that the Head Bayliff do proclaim the same at the Adjournments of the Courts, upon Pain of 10 s. one half to the Lord Prince, and the other half to him that will sue for the same; and that the Head Bayliff do proclaim every Court in the Market-Towns, in the full Market-Place within his Stannary, eight Days before at the least, according to the Ordinances made the 30th of Queen *Elizabeth*, Article the Eighteenth, upon Pain of 10 s. one half to the Lord Prince, and the other half to him that will sue for it, if it be presented at the Law-Court; and that the Customary Courts after Fairs be always kept at the Place where the Fair is held according to the Custom, or else at the next Market-Town, to the same Place within the Stannary, and no farther off, upon Pain of 10 s.

*30th Eliz.
Pain 10 s.
to the Lord
Prince.*

XXVI. We

XXVI.

We find and ordain, that all Stewards of the Stannaries attend on their Court in their own Persons, or sufficient Deputy, being no Attorney, to ward the Court; and that no Steward or Under Steward of any of the four Stannary Courts, his Son, or his Clerk, be of Council, or Sollicit in any Cause, either for Plaintiff or Defendant, in the Court whereof he shall be Steward; nor that any Steward, his Son, or Servant, or any Attorney in that Court, do contract for any Cause of Action, or prosecute the same in the Vender's or Giver's Name, according to the 30th of Queen *Eliz.* the Twenty second Article, upon pain that every one respectively herein shall forfeit 5 l.

No Steward's Son or Servant to plead for Plaintiff or Defendant.

XXVII.

We find, that whereas in the 30th of *Eliz.* Article the Thirty-sixth, it is there contained, that the Fees of the Stannary-Court did daily increase, of which they desired Reformation, and that the Steward should set down the Fees in certain, which hath not been yet done; and that the Fees now since that time are much increased: We do therefore ordain, that all Judges, Stewards, Keepers, Attorneys, Bayliffs, and Head Bayliffs of every Court respectively, shall take such Fees, and no other, wherein a Schedule set down hereafter written to this Act, on Pain of 40s. the one half to the Party grieved, and the other to the Lord Prince.

XXVIII.

We find, and according to our ancient Customs do agree, that all Executions issuing out of the Stannary-Court shall stand good and continue without renewing, for one whole Year and a Day.

Executions good a Year and a Day.

XXIX.

We do order and agree, that no Original Process shall be held good or lawful, that shall have any Raifure in any material Point, except in the Date only, and for that, one Penny shall be paid to the Steward for new dating thereof, and no more; and that all Bayliffs make due Return of all the Warrants that shall come to their Hands the next Court after the Service thereof, and at the same Court from whence it issued, except the Plaintiff and Defendant do agree before the Return; and that the Head Bayliff of every Stannary do keep all such Warrants on a File, to be shewed at all times, as shall be so returned to them, upon pain of Forfeiture of 40s.

Original Process.

XXX.

For as much as the Head Bayliff of every Stannary is a Publick Officer, and of great Trust, and ought to answer all Escapes and Executions received, and Money deposited that shall come to his Hands, it is requisite he should be publickly known to all Parties: We do therefore agree, that every Head Bayliff now in Being shall at the Law-Court next coming, within the Stannary whereof he shall be Bayliff, and every Head Bayliff hereafter, shall be at the next Law-Court coming after he shall be made Head Bayliff in chief, shall exhibit his Patent in Court, there to be entred, and to remain on Record; and shall take Oath in open Court, in the

Head Bayliff, or Tin Bayliff.

Presence of the Grand Jury, then and there sworn for the said Stannary, if it be a Law-Court, for the due Execution of his Office, and that he shall in Person attend on his Office every Court, or by sufficient Deputy, and that they, and neither his Son, Deputy, or Servant be of Council, or Attorney, or Solicit any Cause directly or indirectly, or bring or get any Cause in Action in the Stannary-Court whereof he is Bayliff, upon Pain of Forfeiture for every thing solicited directly or indirectly, the Sum of Five Pounds.

XXXI.

Bayliffs, not above Twenty in each Stannary.

We agree that Twenty Bayliffs be allowed in each Stannary, and no more, who shall either give Bond, or Recognizance in the Court, in the Sum of 5 l. for the good Abearing of themselves in their Office or Place in the several Stannaries where they dwell; and in default of the Stannators at a Grand Jury at the Law-Court Day, and so taken over hereafter to be made full by Death or Discontinuance: But in Case whether the Plaintiff will have Special, that then the Plaintiff is to answer for his Bayliff's Misdemeanours, and that no Steward shall disallow any Special Bayliffs, which shall be nominated by the Plaintiff; and if any Bayliff break his Bond or Recognizance, and being thereof lawfully convicted, if ever he be found serving any Stannary Process, he shall be imprisoned for one whole Year.

XXXII.

Rescous and Process of Contempt.

To be admitted to traverse the Return, which Traverse, if found with him, to be no further troubled.

Vid. Stat. Car. 1.

We find that no Warrant of Contempt be granted by the Vice-Warden, or any of the Stewards, to the Prince's Suit, upon a Return of a *Rescous*, or Assault made upon any Bayliff on executing any Stannary Process, before the Case be first heard before the Vice-Warden, or Steward of the Court where such Return was made.

XXXIII.

Prisoners on Original Process, Liberty of the Borough, but not on Execution.

We agree, that the Liberty acknowledged in the Presentment Anno 16 Hen. 8. Article the Twelfth, that Prisoners of *Maine* Prison may have Liberty of the whole Borough of *Loftwithbiell*, is and shall be understood of Prisoners upon Original Process, and for Prisoners upon Execution or Misdemeanours, not to extend so far as the Houses of the Inhabitants shall reach within the Borough, and and no farther.

XXXIV.

Liberate out of Prison.

We find and agree, that the Keeper upon Original Process may take Bail, returning the same the next Court where the Original proceeded; but for Judicial Process he is not to deliver the Prisoners but by Mandate from the Vice Warden, Warranty of Record, or Consent of the Plaintiff under his Hand for the Keeper's Discharge.

XXXV.

Liberate per Vice Warden.

We find and agree, that if the Vice Warden make any *Liberate* for the Enlargement of any Prisoner on Execution, without the Consent of the Plaintiff, that he make good so much as shall be judiciously ordered within three Weeks following next after such Order,

der, and we utterly deny and dislike taking of Bonds to the Plaintiff's Use upon granting a *Liberate*.

XXXVI.

We find and agree, that there be but four Defendants Names inserted in one Warrant, unless more than four Defendants be joined in the same Action, provided that all such Warrants be returned to be filed by the Head Bayliff, except such as come to the Keeper on a File by him, according to the 30th Article.

Four Names in a Warrant.

XXXVII.

We agree that there be Personal Appearance upon Arrest, except by Mandate from the Vice Warden, upon apparent Suggestion, and that in Case of Necessity, or made known by Affidavit unto the Court, and upon Appearance by Attorney, the Attorney shall appear to all Actions.

Appearance in Person, or by Attorney, to appear to all Actions.

XXXVIII.

We agree that no Fines, Issues, Amerciaments, and Profits of the Stannary-Court, payable to the *Audit*, be gathered by the Bayliffs, before the Estreats be offerred, by four of the most substantial Customers, and sufficient Afferers, with the Vice Warden's Hand and Seal of the Dutchy thereto, upon Pain of 5 *l.* the one half to the Prince, and the other half to the common Treasury of the Stannaries.

Affering of Amerciaments.

XXXIX.

We find great Abuses in the Bayliffs of the Stannaries, in serving Procefs by Night and on the Sabbath-Days: We do henceforth therefore agree, that no Bayliff or Bayliffs do arrest any Person on the Sabbath-Day, or in the Night, except it be such as are Fugitives and Bankrupts upon Pain of 20 *s.* for every such Offence, and Imprisonment at the Pleasure of the Vice-Warden, the one half to the Lord Prince, and the other half to the common Treasury of the Stannaries.

Serving of Procefs in the Night, or Sabbath. Forfeiture and Imprisonment.

XL.

We find that all Appeals in the Stannary ought to be taken at all times, either to the Steward, Lord-Warden, Vice-Warden, or to the Prince's Highness entred in Court, and the Defendant to make his Choice whom first to appeal, and so upward, provided no Stannary Steward receive no Appeal before Verdict given, and if such a Steward shall admit any such Appeal after Verdict given, that then the Steward shall forfeit for every such Offence 40 *s.* the one half to the Lord Prince, and the other half to the Party grieved, to be levy'd by the Lord Warden, or the Vice-Warden's Command, untill he shall satisfy the same.

Appeals to the Steward, next to the Vice-Warden, to the Lord-Warden, and for want of Justicethere, to the Prince's Counsel. Vid. 4. Inst. 230.

XLI.

We find and agree, that the Seal of the Dutchy belongeth to the Vice-Warden, as appeareth by his Patent; and that the Steward having severally a Seal for Expedition and Commencement of the Suit, having but the Use only, and not the Profit thereof, and that all Procefs whatsoever issuing out of the Stannary-Court, ought to proceed on under Seal of the Dutchy.

Custody of the Seal.

XLII. We

XLII.

Times for hearing of Appeals.

We find, that the Party Approbine to prosecute his Appeal, and procure his Hearing within six Weeks at farthest, after the Date of his Mandate, *Supersedeas*, or *Liberate*, and thereof give sufficient Notice to the adverse Party; and that the first Day assigned for the Hearing be peremptory to the Party appearing, to prove his Suggestions, except where his Witnesses cannot be present in Case of Necessity, and that proved; or the Vice-Warden himself cannot be present in Case of Necessity, otherwise the Appeal *ipso facto* to be deserted, and the Court to be at large.

XLIII.

No deferring Appeals.

We find that in Cases of Appeals, when the Proofs and Allegations have been fully heard, that the Judge in Equity defer not his Order to a second Sitting, except in Case of manifest Difficulty, in which Case that he declare his Order within three Weeks after the Hearing, at farthest.

XLIV.

Commitments.

We find that if any Man be committed upon Contempt, either by the Vice-Warden or from the Court, that he be not delivered by the Keepers, but by such as have Power to enlarge him, upon Pain of Punishment at the Lord-Warden's or Vice-Warden's Pleasure.

XLV.

Cost of Appeal.

We do agree and order it accordingly, that upon Appeals, when it is past against the Complainant, Consideration is to be had of the Cost of Appeal by the Vice-Warden.

XLVI.

Return of Surety on Arrest.

We do order and agree, that every Bayliff shall make any Arrest within the Stannary, and shall make Return of any Surety by him taken, do endorfe his Name or Sign on the Backside of the Warrant, with the Date of the Day he became Surety, or that the Bayliff be able to prove the Suretyship by one sufficient Witness at the least; if any Bayliff make Return otherwise, such Returns are to be received by the Head Bayliff, but to be esteemed of no Force.

XLVII.

Plaintiff's Declarations to be ready the Court-Day the Defendant appears, else nonsuited.

Penalty 40 s. on the Steward.

We do likewise order and agree, that the Plaintiff's Attorney take Care that they have their Declarations ready at the same Court when the Defendant shall appear, if it be required by the Defendant, otherwise the Steward is to grant a Nonsuit against the Plaintiff; which if the Steward shall not do, the same being required by the Defendant or his Attorney, the Steward shall forfeit to the Lord Prince, Forty Shillings for a Fine.

F E E S of C O U R T.

	s.	d.		s.	d.
T HE Writ of Capias,	0	06	For serving it on Body or	3	04
The Serving thereof,	1	00	Goods,		
The Bayliff hath of the	0	06	To the Head Bayliff, for	1	00
Defendant on Arrest,			the first Executions only,		
The Bayliff's Fees on a	0	06	For a Writ of Damage to	0	06
Summons,			the Steward,		
And upon Arrest, for such			For the same to the Head	0	06
as are Fugitives, and			Bayliff,		
keep House, and despe-			For returning Execution	0	04
rate, the Fees are ar-			to the Steward,		
bitrary.			To the Head Bayliff for	0	04
For Return of the said	0	04	the same,		
Writ to the Steward,			For a Prisoner that is on	0	04
For the same to the Tin	0	03	Oath,		
Bayliff,			For exonerating a Surety,	0	04
For an Attachment,	0	10	For entring a Vice-War-	0	04
For a Fier' fac'	0	10	den's Mandate,		
For a Distring' ad Capiam'	0	10	For a Warrant of Attorney,	0	04
For a Duces tecum,	0	10	For Appearance to Copy,	0	08
For a Warrant of Contempt,	0	10	and Day over,		
For Serving thereof,	1	00	For entring an Answer,	0	04
For a Return thereof,	0	04	For entring a Replicavit,	0	04
For Venir' fac'	0	06	For entring Remainder,	0	04
For Return thereof to the	0	06	For a Continuance,	0	04
Bayliff,			For a Deposition of Wri-	0	04
For Distr' & Tales,	0	06	ting,		
For the Head Bayliff,	0	06	For entring a Verdict,	0	04
For a Proviso,	0	06	For Jury Fees, to each of	0	04
For a Supena ad testificand'	1	00	them,		
above three Witnesses,			For Taxers, and Fees to	0	04
For the same under three	0	08	each of them,		
Witnesses,			For Bayliff to keep the	0	04
For a Liberat' fac' posse	0	10	Jury,		
sep'			For Relinquit' verific' &	0	04
For an Injunction,	0	10	Cogn' Action'		
For a Sequestration,	0	10	For Condemnation,	0	04
For a Revocation Lyn-	0	10	For a Nonsuit,	0	04
stand,			For Licen' concern'	0	02
For a Mittimus,	0	10	For a Judgment,	1	00
For serving those several	1	00	For allowing of the Bill of	0	04
Writs to the Bayliff,			Cost,		
For all Executions to the	1	00	For entring Com'	0	04
Steward,			Upon a Presentment,	0	04
			K		For

	s.	d.	
For entring a Proclamac ^y ,	00	4	For such Writs as issue out of
For entring every Rule in	00	4	his Majesty's Courts at West-
Court,			minster, and liable here, ac-
For entring Causes in Ar-			customed Fees.
rest of Judgment, and	00	4	All other Acts in Special Courts,
Demurrer in Substan ^t ,			as in other Ordinary Courts,
For a Special Verdict,	00	8	single Fees, except Jurors.
For Attorney's Fees every	02	0	For Shilling-Pence in Actions in
Court of Tryal,			the Case, the Steward shall
For drawing Answers,	00	4	have One Penny in a Shilling
Repl ^y renewing each,			for so much Damages as are
For a Counsellor's Fees			justly due; and if it appear in
upon Demurrers or Spe-	10	0	any legal Cause, by Hearing
cial Verdict,			before the Lord-Warden or
For a Copy of an Action	00	4	Vice-Warden, that there is
in Court,			more Shilling-Pence taken by
For a Copy of a whole Re-	01	0	the Steward of any Mannor,
cord,			than the Damages do amount
For a privy Verdict,	00	4	unto by his or their Order,
For drawing a Declaration,	00	4	then the same shall be repaid
For drawing a Bill of Cost,	00	4	to the Party grieved by the
For a Special Court, to the	00	8	Steward, within one Month
Steward			after such Notice, or after
For the Bayliff's Fees for	03	4	such Order or Judgment, up-
the said Court,			on Pain of 10 l. for a Fine,
For the Attorney's Fees	03	4	and Imprisonment until it be
for the said Court,			paid, the one half to the
But if it stop in Court,	Nil.		Prince, and the other to the
			Party grieved.

Fees belonging to the VICE-WARDEN.

	s.	d.		s.	d.
F OR a Warrant, or			For writing a Deposition,	00	4
other Procefs under a	00	6	and keeping Record,		
Dutchy Seal,			For a Sequestration of all	02	6
For a Mandate, Super-			other such Writs,		
sedeas, or Liberate, or	02	6			
Warrant of Contempt,			Fees belonging to his Clerk.		
for each			For making a Bond,	00	6
For an Order, and keeping	01	0	For a Copy of an Order,	01	0
Record, each			each Party		
For a Precept to call Wit-	00	6	For drawing a Petition,	01	0
nesses, of what Number			For a Copy of Depositions,	00	4
soever,					

Fees

Fees belonging to the BAYLIFF.

	s. d.		s. d.
F OR Pasture of one Sheep weekly,	00 2	The Pasture of one Horse,	01 0
The Pasture of one Bullock,	00 8	If the Kine be milked, but	00 2
		If the Horse be laboured,	Nil.

Fees belonging to the KEEPER.

	s. d.		s. d.
F OR delivering a Prisoner upon Original Process,	00 6	For Goal-Fees for all Actions that are against him,	03 4
Upon Judicial Process,	01 0	For Bedding, if he have it of the Keeper, arbitrary.	
Receiving a Mandate and recording it,	00 6	For Guise-Fees, if he deserve it,	00 4
For a Contempt committed in Face of Court upon a Misdemeanour,	00 4	For Diet at the Keeper's finding every Day,	00 6
For a Warrant of Contempt,	00 8	If at the Keeper's Table, arbitrary.	
For a Duces tecum received,	00 4	For a brief Copy of the Plaintiff's Writ,	00 2
For a Return in Court thereof,	00 4		
For bringing a Prisoner forth to Court, and back, each of them by the Mile,	00 2	For such Writs as shall issue out of his Majesty's Court at Westminster, and liable in the Stannary-Courts, such Fees as are accustomed; or, upon Complaint, as the Vice-Warden order.	
For a Copy of a Warrant,	00 4		

Cornub. **A**T the Convocation of Four and twenty Stannators, or Parliament of Tanners assembled for the Stannaries in *Cornwall*, before *William Coryton*, Esq; Vice-Warden of the said Stannaries, by the Direction of the Right Honourable *Philip* Earl of *Pembroke* and *Montgomery*, Lord Warden of the Stannaries in *Devon* and *Cornwall*, by Vertue of the King's Majesty's Royal Letters under the Signet to him directed, bearing Date the Seventeenth Day of *December*, in the Eleventh Year of his Majesty's most happy Reign, holden at *Loftwithiell* the Fifteenth of *August*, in the Twelfth Year of his said Majesty's Reign, and prorogued from the Eighteenth unto the last of the said Month of *August*, and continued until the Third Day of *September*.

Six Stannators of the Stannary
of *Blackmore*.

Charles Trevanion,
Hugh Boscawen,
Thomas Herle,
Jonathan Rashleigh,
Nicholas Kendal,
John Cooke,

} Esqs;

Six Stannators of the Stannary
of *Tywarnhayle*.

John Polwheele, Esq;
Edward Coke,
Francis Gregor,
Jacob Danyel,
Hugh Bawden,
John Crocker,

} Gent.

Six Stannators of the Stannary
of *Foymore*.

Nicholas Trefusis,
Thomas Jewen,
Ambrose Mannaton,
Nevil Bligh,
John Lampen,
John Beare,

} Esqs;

Six Stannators of the Stannary
of *Penwith* and *Kirrier*.

Sir Francis Godolphin, Knt.
Francis Godolphin of *Godolphin*.
Francis Basset,
Francis Godolphin of *Tre-veneage*,
William Robinson,
Roger Polkinghorne,

} Esqs;

I.

We the said Four and twenty Stannators, elected and chosen by the Four Mayors of the Town of *Loftwithiell*, *Lanceston*, *Truro*, and *Helfton*, and by the Council of the said Burroughs, according to their ancient Prescription and Usage of the said Stannaries, and assembled as aforesaid, took into our Consideration these Articles following, *viz.*

II.

For that the unanimous Consent of the full Four and twenty (according to the Letter of the Charter of Pardon) may not be had to every Ordinance propounded, to the end that our Endeavours (for want of one or a few Voices) shall not fall to the Ground,

Ground, we, following former Precedents and Usage, do agree, constitute, and ordain, that whatsoever Proposition shall be affirmed and concluded by Sixteen Voices or more, but not under the same, shall stand and be binding as the Act of us all.

III.

We think fit, that the Resolutions declared by the learned Judges *Anno 7 Jacobi Regis*, 1608, and inrolled in the High Court of *Chancery*, should be inrolled and entred in a Ledger-Book for the Stannaries, and that Copies thereof should be taken of the several Stewards of the Stannary-Courts, and entred into their Court Book, and published by them at the Courts, that they may be known, and in every point duly observed.

IV.

We present and affirm, that by common proscribed Stannary-Right, any Tinner may bound any Wastrel Lands within the County of *Cornwall*, that is unbounded or void of lawful Bounds; and also any several and inclosed Land, that hath been anciently bounded and assured for Wastrell, by delivering of Toll-Tin to the Lord of the Soil, before that the Hedges were made upon it; and also such, and so much of the Prince's several and inclosed Customary Land within the ancient Dutchy assessionable Manors, as hath been anciently bounded, with Turfs, according to the ancient Custom and Usage, within the said several Dutchy Manors, and not otherwise; the Tinner paying out of such Land so bounded, the usual Toll only as is generally paid within the Stannaries, that is, the fifteenth Dish or Quart, saving in such Places where a special Custom hath limited another Rate of Toll.

Cutting of Bounds.

V.

We present and affirm, our General Custom of gaining and keeping Right in Bounds, to be by new Pitch and Renew, in such Manner as it now is and anciently hath been in use in the several Stannaries; which said General Customs we limit, ordain, and agree, that it shall be thus understood; *viz.* That an Owner working his Tin-Work by himself, his Wages-Man or Farmer paying Toll once a Year and a Day, or otherwise continue his Working without Fraud, in driving an Audit unto, or sinking a Shaft upon the said Work, and withal preserving the four Corners Bounds, so as they may be seen, or sufficiently proved; if they, or any of them shall be newly or casually, or maliciously defaced, so long the said Owner shall not lose his Bounds, for default of Renewing.

Renewing Bounds.

VI.

Statut' Car. I. must be a Working Tinner in Village, Tything, or Hamlet, locis ubi operantur; and if any Defendant

We present and affirm, that by our ancient Custom, the Spalliard working with Pick and Shovel, the Water-Man, the Boll or Barrow-Man, the Dresser, the Blower, and all other Tinner Labourers and Workmen that necessarily attend getting the Tin, or the Dressing,

4 Instit. 231.

2 Roll. Rep. 44, 45.

L

1 Rol. 295. Dressing, Blowing, or Whitening it, so long as they continue their working without Fraud, are properly called Privileged Tanners, and are not to sue or be sued out of the Stannary-Courts, saving in Case of Life, Land, or Limb. And we further present and affirm, that all the said former Privileged Tanners, if they shall discontinue their working about Tin and Tin-Works, and also all the Officers and Ministers of both Courts, the Afferers, the Owners of Tin-Works in Wasterell, or several the Adventurers in Tin-Works, the Buyers of Black or White Tin, and generally all others that intermeddle with Tin, are called Tanners at large, and have also the Liberty, Privilege and Profit to sue, and may be sued in the Stannary Courts there determinable, and may also sue and be sued at the Common Law at the Pleasure of the Plaintiff.

Vid. Opinion of the Judges 26 N^o 26 Jacob. 1.

And Opinion of Judges 14 No 3. Car. 1.

Statut. 50 & 51 Ed. 3.

be sued that is not a Tinner, he shall be discharged on his Oath that he is not a Tinner, unless the Plaintiff makes Oath himself to be a Tinner for half a Year before such Action brought; the Defendant to have 10 l. Damages, with Costs of Suit. Vid. Stat' Car. 16.

Courts of Blowing-Houses to exhibit Names of Blowers.

VII.

We agree, constitute and ordain, that the Owners of Blowing-Houses, or their Deputies, or any of them, shall once yearly between the End of *March* and *Midsummer*, exhibit unto the Steward of the Stannary-Court respectively where his Blowing-House lieth, the Names of such Blowers as they have entertained to keep their Blowing-Houses; and if they shall change and retain any new Blower after *Midsummer*, and before the End of *March*, they shall likewise give in the Name of such as shall be retained, or changed, at the first Court after such Retainer, upon paying of 10s. for every Default herein.

Oath of Blower.

VIII.

We agree, constitute and ordain, that every Blower, before he shall be admitted to blow in any Blowing-House, shall be sworn in one of the Stannary-Courts, that he shall not make, nor with his Knowledge or Consent, suffer to be made any falsified Tin, by Artificial Mixture, or by casting in any Block of Tin any baser Metal than Tin, and that he shall deal justly between Man and Man, as near as he can in their Turnings and otherwise, and shall take Account or Certificate that he hath been sworn, under the Hand of the Steward of the Court before whom he was sworn.

To certify what Tin Blown to the Stannary-Court.

And we further agree, constitute, and ordain, that the said Blowers, or one of them, shall bring into the Stannary-Court respectively twice in the Year, a List in Writing, which shall contain the just Number of Blocks, Slobbs and Spoonfuls of Tin, which have been blown in the said Houses, with the Names of the Owners of them, for whom they were blown; the first Certificate to contain the Tin blown from the first Day of *May* to the fifteenth Day of *October* inclusive, and the second Certificate to contain all the Tin blown from the sixteenth Day of *October* to the last Day of *April* inclusive; which several Certificates shall be exhibited at the next Court after the House shall leave of. And if any Blower shall work

work in any Blowing-House before he shall be sworn, or shall not make Certificate in the Court, of the Tin by them blown, as afore-said, they shall forfeit for every Default herein 40 s. And we also agree, constitute, and ordain, that the Owners of the Blowing-Houses, or one of them, or their Deputies that have the Charge of the said House, shall sign the said Blower's Certificate, the same being tendred unto them, or one of them, and they thereunto required; and that they shall not admit any Blower to work in their Houses before they shall be sworn, and his Oath certified as afore-said, under the paying of 20 s. for every Default herein.

IX.

We present and affirm, that whatsoever White Tin shall be carry'd from any Blowing-House directly or indirectly, otherwise than to the Coinage Town, there to be coined, or shall be conveyed uncoined, whereby the Prince is defrauded of Coinage Custom, such Tin is forfeited by the expresse Words of the Charter. But we agree, constitute and ordain, that if any Tin shall remain blown and uncoined in any Blowing-House after the last Day of the Coinage respectively, that the Owner thereof shall, and may, keep the same in his Custody where he shall please, so as he duly certify the same upon the End of the Coinage unto the Agents of the Farmers of the Peremption, their Deputies or Supervisors, or enter the same of Record before either of the Stewards of the Stannaries, or of the Coinage Courts upon Demand, and bring the same the next Coinage to be coined.

Uncoined Tin, and Tin carried from the Blowing-House, unless to Coinage-Town, is forfeited.

Tin uncoined and in the Blowing-House the last Day of Coinage, may be carried when the Owner pleases, so as Notice, &c.

X.

For that the Falsification of Tin by our Custom is only punishable by Fine arbitrary, according to the Quantity of the Offence, and as such charged in the Dutchy Accounts under a Particular of Fines, *Fabricationis falsi Stanni*: And for that the Damage by such Falsification cannot amount to a Value deserving a Forfeiture of the Tin falsified; Therefore for making the Penalty certain in this Case, if any shall hereafter make any falsified Tin, either by Artificial Mixture, or by melting into it, or by casting or hiding within the Body of the Block of Tin, any baser Metal than Tin, the Number, Piece, and that Part of the Block which carrieth the Blowing-House and Owner's Mark, being returned into the Coinage Town where it was coined, and there according to our Custom try'd, and the Damage assessed by a Jury of Tinnars; We agree, constitute and ordain, that the Owner shall forfeit, yield, and pay double Damage, or privy to such Falsification, shall forfeit Three Pounds, and suffer Three Months Imprisonment; and the Blowers that shall be found to have been faulty by Knowledge or Consent thereunto, shall suffer Imprisonment without Bail or Mainprize, until he shall satisfy and pay the Penalty of Five Pounds; provided that this Act, nor any Penalty therein laid, shall extend to any natural Mixture or Imperfection that groweth in the Lead together with the Tin.

Falsifiers of Tin fineable.

XI. We

*Maker of White
Tin, selling
Dross to Pew-
terers, Buyer
and Seller fine-
able.*

XI.
We agree, constitute, and ordain, that if any Maker of White Tin shall sell, or Cause to be sold his Ashes, Schimping, or any other his Leavings, after the Blowing of his Tin, to any Pewterer or Plumber, both Buyer and Seller being thereof convicted, shall be fined according to the Quantity of their Offence.

XII.
We agree, constitute and ordain, that the Poizer and Essay-Master being Ministers in the Coinage Courts, their Deputies, and whoever else shall exercise either of these Places, either of them respectively, shall be sworn in the Stannary Court before they shall execute such Places, duly and justly to execute their said Services, and to decide and Pronounce rightly without Partiality between Party and Party, and shall take a *Constat* or Certificate of such their Places from the Court where they were sworn; and if they, or one of them shall execute their Places before they shall be sworn, they, and every of them respectively, shall forfeit Five Pounds for every Coinage they shall execute their Places unsworn.

*Tinners to
serve in no Ju-
ry but the
Stannary, are
excepted by the
Chart. Si non
tangen' Stan-
nor præd'
Vid. Chart.*

XIII.
We present and affirm, that by our Franchise granted unto us in our Charter, the labouring Tinner ought not to be returned to serve, or be impannelled in Juries for the King, or between Party and Party in any Court, but only in the Stannary-Court, saving in Causes excepted in our Charter, be tried by Jury of half Tinners and half Foreigners.

*Tinner to pay
no Tithes.
The Prince pays
the Bishop of
Exeter in lieu
of Tithes for
Tin, 16l. 13 s.
4d.*

XIV.
We present and affirm, that the labouring Tinner working for Wages, ought not to pay Tithes out of his Wages, and that neither the Wages Tinner, nor the Adventuring Tinner, ought to pay any Fine or Consideration to the Parson or Vicar, or their Proctors, for or out of their Labour, or Adventure for Tin.

*Proclamation
of Bounds next
Court after the
Pitch.*

XV.
We agree, constitute and ordain, that whosoever shall pitch any Bounds, shall enter his Proclamation for the same in the Stannary Court where the Ground lieth, at the first that shall be holden after the said Pitch, in which Proclamation he shall set down the Day of the Pitch, the Names of his Fellow Owners, the Name of the said Work, and the old Name also, together with the Place where the Bounds lie, or otherwise the Pitch to be void.

*Owners of Tin-
Works to set
his Part to
farm, or bring
in his Men, or
be excluded.*

XVI.
We agree, constitute, and ordain, that where there are many Copartners in a Tin-Work, such Owners as upon the reasonable Warning given them, shall not either set their Parts to farm, or bring in their Men or Money according to their Parts, within one Month

Month after they be set, paying Cost and Spale for that Month, such Owners shall be excluded from venturing or adventuring in the said Work during that Adventure, and shall have only such Farm as the Work is set by the rest of the Owners, upon reasonable Warning. If it be a Work of Charge, and not of present Profit, a Set made by most Part of the Owners of the Tin-Work, by our Custom is and shall be good and available against the rest of the Comparters. And in Case where none of the Owners have made any Set, but all of them either adventure or forbear Entry, there the Farm shall be assessed by the Oaths of three indifferent Tanners, that are to be chosen, one by the Workers, one by the Owners not adventuring, and the third by the Steward of the Stannary-Court where the Work lieth.

XVII.

We present and affirm our Custom to be, that neither Vice-Warden, Steward, Bayliff, Lawyer, Attorney, nor any other, or Practiser in the Stannary Jurisdiction, nor any great Person in the County, nor any Man of Power among Tin-Works, nor their Children, Clerks, Servants, or Friends in Trust for them, directly or indirectly ought to be made Owners in any Tin-Works in Variance. And for that Rights in Tin-Works are many times overborn by Countenance, We further agree, constitute and ordain, that what Tinner soever shall give, sell, or promise directly or indirectly, any Tin-Works or Bounds in Variance, or any Part thereof, to any the Persons aforesaid, or in Trust for them as aforesaid, shall forfeit Five Pounds, and that the Gift, Sale, Promise or Disposition, shall be deemed to be void in regard to them to whom it is made, and that the Right or Part so given or sold, promised or disposed, shall enure to the Church-Wardens of the Parish where the Work lieth for the Time being, and their Successors, towards the Relief of the Poor of the said Parish.

No Officer or great Person to be Owner of Tin-Works in Variance.

Seller to forfeit 5 l.

Grant to be void as to such Persons, and to enure to Church-Wardens for the Poor.

XVIII.

We present and affirm our Custom to be, that whatsoever Tanners have been in quiet Possession of the Tin-Work by the Space of a Year and a Day, by himself, his Farmers or Workers, he ought not to be removed from the Possession, or dispossessed of his Farm-Tin, by any Command, Order, Sequestration, Injunction, or other Writ whatsoever, before that Verdict shall be against him for the Right of the Tin-Work. And in case where neither Party hath been in Possession of quiet working a Year and a Day, but that the Variance is about old Right and new Pitch, we agree, constitute, and ordain, that the Workers that were first in, and discovered the Right, shall not be molested, but shall continue their Possession, until Verdict shall be against them upon the Title, but the Farm in the Interim shall be sequestered and deposited in Mesne Hands, to answer to him that shall recover his legal Trial.

Possession, how available.

Vid. i. Syd. 247. Whoever first enters, gains a Property. Geory and Bearcroft's Case, Banc' Reg'

*Any old Bounds
new cut by
Fraud, shall be
to the Use of
the old Owners
not defraud-
ing.*

XIX.

We agree, constitute, and ordain, that if any Owner, Partner, or Keeper of Bounds for other Men, shall suffer the said Bounds to be unrenewed, and so become void, and shall not first declare and give reasonable Warning unto the rest of the Owners, that he no longer will be Keeper of them, willing them to look to the keeping of them, and shall offer himself ready to shew them the four Corners; That in Case the new Pitch shall enure by way of remitting to the Behoof of the old Owners, saving to such of them as who were party or privy to the Fraud, whose shall accrue amongst the rest of the old Owners: And the Keeper, and every one that shall be party or privy to the Fraud (being thereof legally convicted by Verdict) shall forfeit and incur the Penalty of Twenty Pounds, the one half to the Lord Prince, and the other half to the Party or Parties grieved.

XX.

*The Measure of
Tin.
Vid. Stat.
11 H. 7. con-
cerning
Weights and
Measures.
Blowing-House
to have a Gal-
lon sealed.*

We agree, constitute and ordain, for Uniformity of Measure, all Black Tin that shall be sold to be delivered by Measure, shall be measured and pack'd by a sealed Gallon, which shall contain six Wine Quarts, *Winchester*, and shall be hoop'd and bound with Iron, and assayed before the Sealing thereof before two sufficient Tanners upon their Oaths, to be returned by the Head Bayliff, whereof one to be a Buyer of Black Tin, or Owner of a Blowing-House, and the other shall be a Seller of Black Tin; and that every Blowing-House shall have a Gallon so sealed, for the Satisfaction of their Customers, in point of Proof in the Fire; and that whosoever shall buy or sell Tin by Measure, otherwise than by a Measure so sealed and assayed, shall forfeit Ten Shillings for every such Offence.

XXI.

*Black Tin to
be bought open-
ly.*

We present and affirm our ancient Custom to be, that no Man ought to buy or receive any Black Tin, otherwise than openly at a Wash from the Sheet, nor to buy or receive any Tin Stuff, or the Leavings of Blowing-Houses, from any suspicious Person that is not known to be an Adventurer for Tin, or a Worker of White Tin, or Owner in a Blowing-House. And for Reformation hereof, we agree, constitute and ordain, that whosoever shall otherwise buy or receive any Black Tin, than openly at a Wash, or before two sufficient Witnesses, or shall buy or receive any Tin Stuff, or Leavings of Blowing-Houses, otherwise than of honest Persons, and before two sufficient Witnesses at the least, as well the Seller as the Buyer and Receiver, shall forfeit double the Value of the Thing sold and delivered, and they shall further make full Recompence to the Party that shall be thereby wronged, either by Toll, Farm, Share, or otherwise; for Recovery whereof, the Party wronged shall have his Election to lay his Action against the Seller or Buyer at his Pleasure.

XXII. We

XXII.

We present and affirm, that by our Custom the Stannary-Stewards ought to keep their Courts from three Weeks to three Weeks, and not within, except the Law-Courts, or special Courts for the Trial of Rights of Tin-Works, to be held within the Bounds in question, and of customary Courts held usually the morrow after certain Fairs. And we agree, constitute, and ordain, that every Stannary-Steward, at the end of his general Court, before he adjourn the same, shall appoint, and cause to be proclaimed, the Day and Place of his next general Court, and shall give a Warrant to the Head Bayliff to call the same, and shall likewise give to the Head Bayliff a Warrant to call the Law-Court twenty Days before the Day of the said Law-Court; and if the Steward shall offend in any of these Points, he shall forfeit Five Pounds, to be recovered in any of the Stannary Courts.

The Stewards to hold Courts every 3 Weeks.

XXIII.

And we likewise constitute and ordain, that the Head Bayliff shall cause every general Court to be called in the usual Market Towns, at least ten Days before the Day of the Court, and the Law-Courts to be so called at least fifteen Days before the same Day, and the Bayliff making Default herein, shall forfeit 40 s.

Head Bayliff to call the Courts in Market.

XXIV.

We find and present, that by our ancient Custom the Writs of Execution by *Fieri fac'* or *Cap' Corp'* issuing out of the Stannary-Court, do stand and continue in Force by the Space of a Year and a Day.

Stannary-Execution in Date a Year and a Day.

XXV.

We agree, constitute, and ordain, that no Warrant of Contempt shall be granted by the Vice-Warden or Steward, upon a Return of a *Rescous* made upon a Bayliff's Oath, before such Time as the Party supposed to be faulty shall be precepted in to appear for the Examination of the same, and to produce his Witnesses for his clearing therein; but if he shall not appear upon such Precept, the Warrant of Contempt to be granted against him, as against a Delinquent.

A Return of Rescous, the Person returned may traverse the said Return, which if found with him shall be no further troubled.

Vid. Stat' 16 Car. 1.

XXVI.

We agree, constitute and ordain, that where a Surety is returned upon an Arrest, if the Surety shall not have indorsed his Name, or Sign, upon the Back of the Warrant, with the Day when he became Surety, or otherwise, if the Bayliff cannot prove such Suretyship by one sufficient Witness at the least, the said Return to be deem'd void, and of no Force touching the Return of the Surety, but shall stand good against the Party arrested, and likewise upon common Bail the Return shall be void, unless the Bayliff shall be able to prove by the Party's Indorsement, or by one Witness at the least,

No Surety to be charged, unless his Name be indorsed on the Warrant.

Stat' 16 Car. in Presence of two Witnesses. Plaintiff and Defendant's Names in the Suit the same, and Damages on Demand,

and none bailed on Arrest there before such Note, and take but 4 d. for such Note. Vid. Stat. ut supra.

least, that the Party arrested did consent to have Common Bail returned.

XXVII.

*Declaration to
be delivered in
three Courts.*

We present and affirm, that the Attorney ought to enter his Declaration at or before the Defendant's Appearance, or at farthest the third Court after the Arrest, at which time the Defendant, or his Attorney calling for his Copy, the Plaintiff's Attorney shall declare *in Scriptis*, otherwise the Steward shall enter a Nonsuit, which if he shall not do, the Defendant or his Attorney calling for it, the Steward shall forfeit 40 s. to the Party grieved.

XXVIII.

*May drive an
Audit through
other Bounds.*

We present and affirm our Custom to be, that a Tinner may bring an Audit through any other Mens Bounds in Wasterel without Leave, through which Audit he is to have a Passage only for his Water; but if he shall break Tin, or discover a Load in his Drift, or sinking of Day-Shafts, he is to have no Benefit of the said Tin or Load, but shall leave it wholly to the Owners of the Bounds within which it is.

And we further present and say, that we have not any Custom or President to warrant a Tinner to bring an Audit to his Work through other Mens several Lands, nor to avoid his Water through another Man's Audit, without Science of the Owner of the several Lands, or of the Audit first had and obtained, and Composition made with them for the same.

XXIX.

*Tything-Men
of Blackmore
may summon,
&c.*

We present and affirm, that by our right ancient Custom, Tything-Men in the Stannary of *Blackmore*, being sworn Officers of the Court, shall and may warn any Person within the said Stannary of *Blackmore* to the said Court, *ex Officio*, without any Writ of Summons.

XXX.

*What Writs
lie in the
Stannary.*

*4 Inst. 230.
3 Bulstr. 183.
per Coke,
Chief Justice.
1 Syd. 233.
Owen Rep. 8.
Dyer, 23 Eliz.
fol. 376. No
Writ of Error
lies, but must
appeal to Stew-
ard.*

We present and affirm the Writs of Prohibition lie in the Stannary-Court, in Case of Land, Life, and Lives, and in Case where the Stannary-Court doth proceed after that the Jurisdiction is outed by a Foreign Plea duly pleaded, and proceed; and that the Writ of *Habeas Corp'* and of *Corp' cum Causa*, doth likewise lie in the Stannaries, and hath been usually returned; and that upon Cause in Court shewed, upon Return of the Court the Cause hath been remanded, and *Procedendo* in the Stannary. But we present and affirm, that the Writs of *Certiorari* of Error, or of false Judgment, do not lie.

XXXI.

*Bounds un-
wrought seven
Years may be
wrought by o-
thers.*

We agree, constitute and ordain, that if any Tin-Works under Bounds, hath lien, or shall lie unwrought by the Space of seven Years, and if any Tinner shall be desirous to work the same, he shall

shall signify such his Purpose to the Owners of the said Work, or to most of them, and shall cause to be entred of Record upon the Court-Book, the Place where the said Work lieth, and the Time of such his Declaration, to whom and before whom; and then if the Owners of the said Work or some of them, shall not work, set, or procure the said Work to be wrought within one Year next after such Declaration made unto them, if the Owners have not any other Work then in working by their own Adventure, it shall be lawful for the said Person that gave such Warning to the Owners, to work the said Work at Farm as long as he will continue his Costs, therein paying to the Owner, if it be a dry Work, the seventh Dish to Farm, and if it be a Water-Work that draweth Water both Summer and Winter, but the ninth Dish to Farm; Provided, that before he enter into the Work, he shall give sufficient Caution, such as the Steward of the Stannary-Court shall allow, for the well and orderly Working and Preservation of the said Work, and that he shall not break the Pillory, Backs, Vaults, or Binding thereof, nor fill the Audit thereof to the Prejudice or Destruction of the said Work. But for Tin-Works in several Lands unbounded, which belong to the Lords of the Soil only, we affirm and say, that by our Custom no Tinner may work in several or unbounded Lands, without the Leave of the Lord or Owner of the Soil.

XXXII.

We present and affirm, that all Force in Matter of Tin, and going Armed to Tin-Works and Washes, is punishable by our Custom: And for making the Penalties thereof certain, we agree, declare, constitute and ordain, that whosoever shall forcibly enter into any Tin-Work, and disturb the Workers, and shall by Force and Violence take away and detain any Tin at any Wash, be it Share, or Toll, or Farm, from the Workers, Lords, or Owners in Possession respectively, being thereof convicted, shall satisfy to the Party wronged double the Value thereof, and shall further for the said Force, pay such Fine as the Judge before whom he shall be convicted shall assess, according to the Quantity of the Offence, so as it be not under 5 *l.* nor above 20 *l.* And every one that shall be an Aider or Abetter therein, shall be subject to such Fine as the Judge before whom he shall be convicted shall assess, so as it exceed not half of the former Pains assessed upon the principal Actors and Delinquents.

*Force in Tin
Affairs how
punishable.*

XXXIII.

For that it is in the Tinner's Choice, whether he will coin in *August*, the Beginning of which Coinage is beyond the Memory of the oldest Man living, or will stay till *Michaelmas* to coin at cheaper Rate, we think fit to leave *August* Coinage to the Will of the Tinner; but we agree to dissolve and disannul, and do repeal and revoke the former Constitution made *Anno 1610*, for deferring the Payment for *Michaelmas* until the 28th Day of *November*, which in former time was usually paid for at the Day of Deliverance, which was proclaimed upon the end of the Coinage. And upon

*Coinage Duty,
how payable.
Constitution of
1610 repealed.*

N

good

good Experience of the inconvenient growing upon the former Order, we agree, constitute and ordain, that the Tin which hereafter shall be coined at *Michaelmas* Coinage, shall be paid for within ten Days after the same is coined. And we likewise agree, constitute and ordain, that the Money which shall be due to the Tinner when his Tin is coined, his impressed Money being defaulted, shall be paid at the Pay-Day in the Coinage Town where the Tin is coined: And we desire the Farmers of the Peremption to give willing Consent to this our Ordinance, as they will expect our forward Endeavours to raise a Quantity of Tin, provided, that imprest Money shall be delivered where the Agent and the Tinner shall agree.

No Penalty to be levied until after Tryal.

Cro. Car. 333.

Rol. 314. A.

dams's Case.

Prohibition

prayed against

Lord Warden

and Deputy for

procuring an

Order, &c.

Decree for Pay-

ment of Money,

without Bill or

Summons. Pro-

ceedings were

held coram

non Jud' and

Prohibition

granted.

Forfeitures,

half to the

Prince, half to

the Party

grieved.

XXXIV.

For that every Subject delinquent of common Right, may claim, and ought to have the Benefit of the Law for his Trial, and for the Reason his Traverse is admittred him; we agree, constitute, and ordain, that no Forfeiture or Penalty shall be levied, or laid upon, or paid by any Delinquent by Force of these Ordinances, before he shall be thereof convicted by Confession, Default, or Verdict; and that upon such Conviction, the said Forfeitures and Penalties, with Costs of Suit, shall be inflicted upon him, and levied by *Fieri fac'* upon his Goods, or by Imprisonment of the Body, by *Cap' Corpus*, until Satisfaction be made.

XXXV.

We agree, constitute and ordain, that one half of all the Forfeitures and pecuniary Mulcts, before in these Constitutions asselled, saving such of them as are wholly given to the Lord Prince, or particularly ordered to the Party grieved, or other particular Uses, shall accrue to the Lord Prince, and to be extracted and charged yearly to the Head Bayliff of the said Stannaries respectively, to be by them answered upon their Accounts at the Prince's Audit, and that the other Moiety or Halfendal thereof, shall accrue and be for a common Stock for the Stannaries for defraying the necessary Charge, and common Burthens that shall come upon them, and for the Relief of the decrepid, maimed, or decay'd Tinner; which said Moiety or Halfendal, so ordered for a Common Stock, shall be levy'd by the Head Bayliff respectively, having Twelve Pence in the Pound for his Pains, in levying and collecting the same, and the Head Bayliff shall pay over the Residue thereof to the Receiver elected yearly to receive the same.

XXXVI.

Receiver to be yearly chosen.

We agree, constitute, and ordain, that there shall be yearly at the first Law-Court that shall be after *Michaelmas*, Four Receivers chosen by the Grand Juries in the four Stannaries respectively, one in each Stannary, who shall receive and keep the common Stock, and shall yearly at the first Law-Court after *Michaelmas*, or at the first Law-Court then next following, make their Account for the same

same before the Steward of the Stannary and Grand Jury respectively, and shall pay over the Sum that shall be due upon the Foot of his Account, unto the next and succeeding Receiver, then to be chosen; provided that if there shall be no Election made at *Michaelmas* Law-Court, by reason of a *Remanet ex Defectu* upon the Non Appearance of a full Grand Jury, that then the former Receiver shall stand and continue until a new shall be chosen. And we ordain, that nothing issued or paid out of the said common Stock by the said Receiver at any time, but by the Order and Consent of the Grand Jury of the said Stannary that made the Election, or of Twelve of them at the least.

XXXVII.

And we further enact, constitute and ordain, that for the Security of the said common Stock in Case of Mortality, every Receiver shall upon his Election enter into Bond to the last precedent Receiver, and the Foreman of the Grand Jury at the Time of his Election, or to the two Eldest of the Grand Jury, to make a just and true Account for all such Sum and Sums of Money as shall come to his Hands by vertue of his Office; and duly to pay over to the next succeeding Receiver, the Remnant that shall be due by him upon the Foot of his Account, the said new Receiver signing a Note indented of the Receipt thereof for the Discharge of his Predecessor; and the said Receiver shall likewise sign Notes of Receipt indented, to the Head Bayliff, or any other Person, of whom he shall receive any Money to the Use of the common Stock.

*Receiver to
give Security.*

We who have subscribed our Hands upon Reviewing the Propositions which were treated of in our Assembly, the aforesaid Articles to be fit to be established as they are above expressed.

<i>Charles Trevanion,</i>	<i>John Bere,</i>
<i>Hugh Boscawen,</i>	<i>John Polwheele,</i>
<i>Jonathan Rashleigh,</i>	<i>Edward Coke,</i>
<i>Nicholas Kendal,</i>	<i>Francis Gregor,</i>
<i>John Cooke,</i>	<i>Jacob Danyell,</i>
<i>Ambrose Manaton,</i>	<i>Hugh Bawden,</i>
<i>Nevil Bligh,</i>	<i>John Crocker,</i>
<i>John Lampen,</i>	<i>Francis Godolphin.</i>

Cornub' **A**T the Convocation of Twenty four Stannators, or Parliament of Tinnars assembled for the Stannaries in *Cornwall*, held at *Lestwithiel* in the said County of *Cornwall*, the 26th of *October*, in the second Year of the Reign of our Sovereign Lord *James* the Second, by the Grace of God of *England*, *Scotland*, *France* and *Ireland*, King, Defender of the Faith, &c. and continued by several Adjournments and Prorogations to the 11th Day of *October* in the fourth Year of his said Majesty's Reign, before the Right Honourable *John* Earl of *Bath*, Lord Warden of the Stannaries of *Cornwall* and *Devon*, and one of the Lords of his Majesty's most Honourable Privy Council, by vertue of his Majesty's most gracious Royal Letter, under the Privy Seal to his said Lordship directed, bearing Date at *Whitehall*, the eighth Day of *September*, in the second Year of his Majesty's Reign.

Stannators of the Stannary of
Blackmore.

Sir *John Arundel*, Knt.
Humphry Courtney,
Charles Trevanion,
Water Kendall,
Jonathan Rashleigh,
John Tanner,
} Esqs;

Stannators of the Stannary of
Foymore.

Sir *John Coryton*, Bart.
Sir *Bouchier Wrey*, Bart.
Sir *John Moleworth*, Knt.
John Speccot, Esq;
Nicholas Glyn, Esq;
John Wadden, Esq;

Stannators of the Stannary of
Tywarnhayle.

John Vyuyan,
John Predeaux,
Joseph Sawle,
Henry Vincent,
John Manley,
Richard Bonython,
} Esqs;

Stannators of the Stannary of
Penwith and Kirrier.

Sir *John Carew*, Bart.
Humphry Borlace,
William Arundell,
George Robinson,
Richard Hoblyn,
John Penneck, Gent.
} Esqs;

First, We the above Four and Twenty Stannators, being duly elected and returned by the Four respective Mayors and Counsel of the several Towns of *Lestwithiel*, *Truro*, *Helfton*, and *Lanceston*, to serve in this present Convocation or Parliament of Tinnars, do find that King *John*, by his Charter, granted and confirmed to the Church of *St. Peter's* in *Exon*, and *Simon* Bishop of *Exon* and his Successors, the Tithe of the ancient Farm of the Tin in the Counties of *Devon* and *Cornwall*, with all Liberty and Customs thereunto belonging.

We likewise find, that the Tinnars in *Cornwall* have, Time out of Mind, had and enjoyed diverse and sundry Liberties and Privileges, which *Edward* the First, by his Charter under the Great Seal of *England*,

England, dated at *Westminster* the 10th of *April*, in the Thirty-third Year of his Reign, did confirm and grant some new Privileges, as by the Charter allowed in Parliament in the Thirty third Year of the Reign of *Edward* the First, and was again confirmed in the first Year of *Edward* the Third, and the Seventeenth of *Edward* the Third, as doth and may appear.

And we likewise find an Exposition of the said Charter of the Thirty third of *Edward* the First, that was made in the Parliament holden in the Fiftieth Year of *Edward* the Third, which said Charter was confirmed in the Eighth Year of the Reign of *Richard* the Second, in the Third Year of *Edward* the Fourth, and in the first Year of *Edward* the Sixth, in the First and Second Years of *Philip* and *Mary*, and the Second Year of *Queen Elizabeth*.

We likewise find, that King *Henry* the Seventh granted a Charter of Pardon, with a new Grant and Declaration of Liberties and Privileges to the Tinnars of *Cornwall*, in the Twenty third Year of his Reign, which said Charter was also confirmed in the Twentieth Year of the Reign of *Queen Elizabeth*.

We find likewise, that several Convocations, or Parliaments of Tinnars, have been from time to time held; but in the late horrid Rebellion against our late Sovereign Lord King *Charles* the First, of ever Blessed and Glorious Memory, in the Year 1644, the Rebels under the Command of the Earl of *Essex*, the Prince's Exchequer at *Loftwithiel* was plundered, and most of the Records destroyed. But we find, that at a Convocation, or Parliament of Tinnars, held at *Loftwithiel* the 28th of *September*, in the Twenty second Year of King *James* the First, before the Right Honourable *William* Earl of *Pembroke*, then Lord Warden of the Stannaries, there were several Laws and Constitutions made in Affirmance of our Customs.

We find likewise, that at another Convocation or Parliament of Tinnars, held at *Loftwithiel* aforesaid the 12th of *August*, in the Eleventh Year of the Reign of our Sovereign Lord King *Charles* the First, before the Right Honourable the Earl of *Pembroke* and *Montgomery*, then Lord Warden of the Stannaries of *Devon* and *Cornwall*, there were several Laws and Constitutions made in Affirmation of our Customs.

And we do likewise allow, ratifie, and confirm all the Ordinances and Declarations, made, declared and ordained in and by the said several Acts and Constitutions of Convocation, not altered, abridged, or made void by Act of Parliament, or by the Constitutions herein after made and ordained. And we do likewise approve, and confirm all our ancient and laudable Customs, relating to the Properties and Privileges of the Tinnars. And for further Declaration of our Customs and Laws, and the ordering and settling such Matters as we think fit and necessary, upon mature Consideration, to be altered, ordained, or settled for the better Government of the Stannaries of *Cornwall*, and the Good and Benefit of the Tinnars therein, according to his Majesty's said gracious Commission granted and signify'd to the Right Honourable the Lord Warden, for the Settlement of the Stannaries of *Cornwall*, and the Redress of all the

*Ratification of
former Laws.*

Abuses and Grievances therein, we do further agree, constitute and ordain in Manner and Form following.

*Proclamation
of Bounds the
Court after the
Cut.*

Imprimis, We do agree, constitute, and ordain, that whosoever shall pitch any Bounds, shall enter his Proclamation of the same in the Stannary-Court where the Ground lieth, at the first Court that shall be held after the Pitch; in which Proclamation he shall put down the Day of the Pitch, the Names of his Fellow Owners, and the Party that cut them, and the true Bounds and Limits of the Corners thereof, otherwise the said Pitch to be void: And that also when any Pitch of new Bounds shall be entred in the Stannary-Court, the same shall be openly proclaimed at the Court, and two Courts following, before Writs of Possession shall be granted, and shall be ingrossed and posted up in some open Place in the Court, during the Continuance of such three Courts, before a Writ of Possession. And if any Person shall in any of the three Courts make Claim or Title against the said new Pitch, either by Reason of old Bounds or several Lands, he shall forthwith enter his Action of Trespas against the Person that cut the said Bounds, and the Persons to whose Use the same were cut; and the Person so cutting, shall likewise give Notice in Writing, such Pitch to the Lord or Lords of the Fee of the Lands on which such Bounds are cut, or to some or one of his or their Stewards, Agents, or Servants, within one Year next after such Pitch, and shall prove such Notice given, before the Steward of the Stannary in which the Bounds are, within twelve Months after such Notice given, otherwise the Pitch to be void.

*Cutting and
renewing of
Bounds.*

II.
Item, We present our ancient Custom to be, and do agree, constitute and ordain, that all Tin Bounds ought to have four Corners, which shall consist of twenty four Turfs, or Stones, six to each Corner. And we likewise find, that Side Bounds have been anciently used, and are still lawful to be used. And we do declare our Custom to be, that all Bounds must be renewed within a Year and a Day, and that Side Bounds shall be renewed so, whereof the Benefit shall be claimed. And we further declare our Custom to be, that in Case the Side Bounds be left void and unrenewed, and the Head Corner Bounds be renewed, the Benefit of the Side Bounds shall only be lost as to the Land they draw, but the Land within the Head or Corner Bounds shall remain well bounded.

*Lord accepting
Toll-Tin barred
of his
Land-Dole.*

III.
Item, We do agree, constitute and ordain, if the Lord of the Soil (where Land-Dole is customary) do take and receive his Toll-Tin before he enter his Land-Dole, then the Lord of the Soil is and shall be barred of his Land-Dole; but if he enter into his Land-Dole before he take his Toll-Tin, then he shall have, possess, and enjoy both Land-Dole and Toll-Tin, else he shall have the Toll-Tin only.

IV. *Item*,

IV.

Item, We do agree our Custom to be, and accordingly constitute and ordain, that Rights and Titles to Bounds, and Rights and Titles to Adventures to work for Tin, shall be in the Owners in the Nature of Chattels real, but shall be perpetually enjoyed from Executor to Executor, or Administrator, being renewed and continued according to Custom, and shall be Executory Assets subject to the Payment of Debts and Legacies, in such Order and Manner as other Goods and Chattels are by the Rule of the Common Law, but may be granted by Deed, or devised by Will.

Bounds and Tin-Works Chattels real.

V.

Item, We do agree, constitute and ordain, that where for working any Tin-Work, drawing of Waters, digging of Drifts, Audits, or clearing of any Work of Water, if the major Part, or greater Number of the Adventurers shall judge it necessary to buy or bring in Timber, Rag, Chain, or other Materials or Utensils for the more effectual clearing of the said Water, and the working the said Work; then and in such Case each of the said Adventurers may buy or bring in his own Part and Proportion of the said Goods, and shall not be forced to buy the same of any particular Merchant or Trader in the said Goods, or Part-Adventurer, but of whom he pleaseth; and the Quantity, or how much of such Goods and Materials is necessary to be brought in and provided for the said Work, and the Price of such Goods and Materials shall be agreed upon by the major Part of the Number of the Adventurers respectively, at the Time of passing their Accounts for the said Work, and that due Notice shall be given of the Time and Times of passing such Accounts, at least one Week before the passing thereof, to such Adventurer, or his Agent, or Servant, who is intrusted to manage the said Concern and Tin-Work for him; and when such Adventurers do not look after or manage the said Tin-Work in Person, he is to leave the Name in Writing of the Person he doth imploy to look after or manage his Right of Adventure, he shall give the like Notice in Writing of the Name and Habitation of the Person who shall manage the same for him.

Adventurer may bring in his own Part of Goods.

The Price, &c. to be allowed by the major Part of the Adventurers at the Account. Notice to be given of the Accounts.

VI.

Item, We do agree, constitute and ordain, that where there are several Adventurers in one Tin-Work, and any of the Costs and Charges of the said Tin-Work for Goods or Wages, or otherwise, shall be behind and unpaid, the Party and Parties to whom any Money shall be due for Goods or Wages, shall only sue the Person or Persons who bought or contracted for the said Goods, or hired or contracted with the Labourers to work in the said Work, and not any other Adventurers. But in Case the said Person or Persons that bought the Goods, or hired the said Labourers, be not in Arrears of his Costs and Charges about the said Adventure, the other Adventurers who are in Arrears shall make him Satisfaction for whatsoever shall

Persons contracting only to be sued for Wages or Goods.

*If any Person
contracting be
Purser, &c. or
not in Arrear,
shall have his
Remedy over.*

shall be recovered against him by such Suit, with his own Costs and Damages. And in case the Person so sued for more than his own Costs shall amount unto, he shall have the like Remedy to recover what he shall be forced to pay over and above the Arrears of his own Costs incurred, due at the Time of such Suit brought against him: And the like Remedies to be had for the Pursers and Captains of any Work. And in case the Party or Parties that shall be in Arrear of their Costs after such Account, their Tin and Tin Stuff shall be sequestred, and remain as Security until the Matter shall be tried.

VII.

*Digging, or
suffering Shafts
to be digged
in Highways,
how punisha-
ble.*

Item, We do declare our ancient Custom to be, and do hereby order and ordain, that no Shafts, or Pits for digging of Tin, shall be made or wrought in any Highway to the Prejudice of the same, and endangering the Safety and Lives of any of his Majesty's Subjects, in their Travelling through the said Way. And if any Person shall presume so to do, or the Owners of any Bounds, or the Lords of the Soil, shall knowingly suffer the same to be done, he and they so offending shall be indicted or presented for the same in any Leet or Law-Court to be held for the Stannary wherein the said Ways lie, and if convicted, he and they shall be grievously fined to the Duke of Cornwall, by the Discretion of the Steward; and the said Steward shall cause the said Party or Parties so digging, or causing or suffering to be digged, such Shafts or Pits in the Highway, to fill up the same, and make such Highway plain and passable; and if such Person or Persons shall refuse or neglect so to do, they shall be committed to the Goal of *Lostwithiel* until they pay the said Fine, and make the said Way passable.

VIII.

*Persons break-
ing Tin under
Ground in ano-
ther's Right,
the Remedy.*

Item, We do agree and ordain, that where any Tinner shall work either in Wasterel or several, and shall make and break Tin under Ground, and the Party and Parties, who have either Bounds or several Lands wherein such Tin is made or wrought; and in case such Owner of the several Lands or Bounds so contiguous or adjoining, shall suspect that the Party so digging is come into the Bounds, or Several under Ground, and hath wrought Tin there, the Owner of the Lands or Bounds so adjoining, complaining thereof unto the Steward of the Stannaries, Vice Warden, or Lord Warden, or either of them, that then it shall or may be lawful for the Steward of the Stannaries, Vice Warden, or Lord Warden, or any of them, upon such Complaint made to them, or either of them in that Behalf, to nominate and appoint three sufficient indifferent Persons for to enter upon, and go down, by the Benefit or Use of the present Tackle or Ropes, unto such Work then used, and into all and every Shaft and Shafts so near adjoining, which hath or shall be digged or wrought in, and to see and try by Measuring or otherwise, whether there be any Digging within the Limits of their Land or Bounds, to view the same under Ground; and in case the Party so working, shall not
after

after such View to be had as afore said, and Notice thereupon given to desist to work any further within such Land or Bounds, that then the Owner or Owners of such adjoining Lands or Bounds, or such as claim under them, shall dig Shafts for the working of the said Tin, and bringing up the same to Grass, and shall and may bring their Action of Trespas against the Owner or Adventurer that hath so wrought Tin under Ground within their Lands or Bounds, and recovered the full Value of all the Tin Stuff and Tin Oar so wrought within the Limits of the said adjoining Bounds, or several Lands, after the time of such View and Notice given, together with the said Costs of Suit, in case such Tin shall appear to be wrought within such adjoining Bounds or Lands. But if the Party shall desist such Working upon such View and Notice given, that then the Party so working shall not be liable to any Action for what he hath digged or wrought before such Notice given. And we do lastly Ordain, that as often as any Trial shall be had touching any Digging under Ground, beyond the Lands or Bounds, it shall be by a special Court, if required by either Party so contending as afore said: And the Jury to try the said Cause shall come upon the Place, and go down into such Shafts, and view and measure the same, and likewise view and measure the Extent of the Lands or Bounds upon the Surface for their Satisfaction; and the Extent of such Lands and Bounds shall then be shewn unto them. But this Law shall not extend to any working under Ground in the Drift of any Audit through any Wasterel Lands.

IX.

Item, Whereas several Persons being sued in the Stannary-Courts, have upon Summons, or *Distring*' against their Goods, ordered some or one Bayliff of the said Stannary to cause an Appearance to be made in the said Courts, whereby Proceedings have been against the said Defendant, tho' sometimes the Defendant have no Notice of the Declaration, the same being delivered to the Bayliff by the Plaintiff's Attorney to carry to the Defendant: We do therefore agree, constitute and ordain, that henceforth no Appearance shall be taken upon any such Summons or *Distring*', except the Party appear in Person, or by some known Attorney of the said Court, who may be answerable to the said Defendant for any Neglect that may be in the Defence of the said Suit; that so the Defendant may not be surprised by any Proceedings against him; and that if any other Attorney shall appear for any Defendant in the said Court, without the Defendant's Order, and be thereof legally convicted, he shall forfeit the Sum of Ten Pounds, the one half to the Lord Duke or King, the other half to the Party grieved, to be levied by *Fieri fac*' upon his Goods, and for Default of Goods, to be imprisoned at *Loftwithiel* until the Fine or Forfeiture be paid.

Such Distr' per Bayliff not to be allowed.

Vid. Statut Car. 1.

Attorney appearing without Orders, to forfeit 10l.

X.

Item, We do agree, constitute and ordain, that every Tin Measure within the respective Stannaries shall be brought at every Law-Court

Tin Measures to be view'd at Mich' Law-Court.

Court at *Michaelmas*, to be viewed by the Twelve sworn according to the Custom; which if neglected to be done, the Owner of the said Measure shall not sell or buy any Tin by the said Measure; and if he do, and be thereof convicted after Presentment, he shall make Fine as is already provided by the ancient Laws of the Stannaries.

XI.

*Pin and Scales
to be rectify'd
at Michael-
mas Coinage.*

Item, We do agree, constitute and ordain, that the Pin in the Beams, and the Scales in each respective Coinage-Town within the Stannaries of *Cornwall*, shall be rectified three Days before *Michaelmas* Coinage next, at every *Michaelmas* Coinage yearly; the same to be done by the Supervisor and Comptroller at the Duke or King's Charges.

XII.

*Coinage-
Weights to be
rectify'd.*

Item, We agree, constitute and ordain, that all such Weights as have been appertaining to the Coinage of Tin, and have been used and accustomed before this Time to be used, ordered, and rectified from time to time, according to the Execution made in the Statute made in the Eleventh Year of King *Henry* the Seventh, touching Weights and Measures. And we further order and appoint, that one Pound Weight, consisting of Sixteen Ounces *Averdupoiz*, shall be had and made use of, when and as often as Occasion shall be and required in the Weighing in the Coinage in the respective Stannaries.

XIII.

*23 & 27 H. 8.
to be given in
Charge.*

*Vid. this Act
hereafter reci-
ted in the lat-
ter End of this
Book.*

*Shall forfeit
s l. for every
Default, to be
levied by Fi-
fa' to the Use
of the Prince's
Highness, one
Half to the
Prosecutor.*

*Coal-Pack to
contain Sixty
Gallons, and
Owners of
Blowing-Hou-
ses to keep a
Cask to mea-
sure.*

Item, We do order, constitute and appoint, that the two Statutes and Acts of Parliament, the one made in the Twenty third, and the other in the Twenty seventh Year of King *Henry* the Eighth, concerning the making of Hatches and Lyes, to prevent the choaking of fresh Water Rivers, to be duly observed and given in Charge by the Steward at every Law-Court.

XIV.

Item, We agree, constitute, and ordain, that every Cole-Pack to be used in Blowing-Houses, shall and ought to be and contain in Measure three Bushels of Twenty Gallons to the said Bushel, and that all Owners of Blowing-Houses shall provide and keep at their Blowing-House a Cask of Sixty Gallons, with one End out for the ready measuring of Coal brought to their respective Houses; the said Cask to be approved by two sufficient Persons on their respective Oaths, to be sworn by the Steward of the Stannaries wherein their respective Blowing-Houses lie, and then sealed by the said Steward, who shall have Sixpence for the same.

XV.

*False Weights,
&c.*

Item, That if any shall use double or deceitful Weights or Measures in Buying or Selling Black or White Tin, contrary to the Weights

Weights and Measures of Sixteen Ounces to the Pound, appointed by the Laws of the Stannaries, and shall be thereof convicted by Presentment or Indictment in the Law-Court, he shall forfeit 10 l. to the Lord Duke or King; but if it be by Bill, Plaint, or Information, the one Moiety thereof shall be to the Lord Duke or King, the other Moiety thereof to the Party suing, who shall likewise recover his Costs and Charges.

XVI.

Item, We present and affirm our ancient Custom to be, That no Man ought to buy or receive any Tin, or Tin Stuff, or Black Tin, otherwise than in the Day-time openly at a Wash from the Sheet, nor to buy any Tin Stuff or Black Tin, or the Leavings of the Blowing-Houses from any suspicious Person, that is not known to be an Adventurer for Tin, or Owner in a Blowing-House, or Owner of Lands or Bounds. For Reformation thereof, we do agree, constitute and ordain, that whosoever shall otherwise buy or receive any Tin Stuff, or Black Tin, or Leavings of Blowing-Houses, than in the Day-time open at a Wash, before two sufficient Witnesses, or shall buy or receive any Tin Stuff, or Black Tin, or Leavings of Blowing-Houses, otherwise than of Persons reputed honest, and before two sufficient Witnesses at the least, as well the Buyer as the Seller shall forfeit double the Value of the Tin sold or delivered, and they shall further make full Recompence to the Party that shall be thereby wronged either in Toll, Farm, or Share, or otherwise; for the Recovery whereof the Party shall have his Election to lay his Action against the Buyer or the Seller at his Pleasure. And we do further constitute and ordain, that every such Buyer of Black Tin shall enter on the Blowing-House Book, where he shall blow such Black Tin so by him or them bought, the Quantity of such Tin, and the Names of the Person and Persons of whom he bought the same; and that it shall be free for any Person whatsoever to inspect such Blowing-House Books. And if any Person shall buy any Black Tin, and blow the same without entering the Quantity and Quality thereof, and of whom bought, in the Blowing-House Book as aforesaid, that then such Tin, together with any other Tin with which such Black Tin so bought as aforesaid shall be mixed, shall be liable to be seized, the one half to the Lord Duke or King, the other to the Party seizing.

Not to buy or receive Tin in Night, or of suspected Persons.

Buyer to enter the Name of the Person of whom he bought the Black Tin on the Blowing-House-Book.

Tin not entered may be seized.

XVII.

Item, We do agree, constitute and ordain, that no Carrier of White Tin, or other Person whatsoever, shall take and carry any Slab, Block, or Piece of Tin from any Blowing-House before the Break of Day, nor after the Setting of the Sun, to any other Place whatsoever, under the Penalty That such Person and Persons being privy thereunto and procuring the same, thereof being legally convicted, by Confession or Verdict before the Lord Warden, or Vice Warden, or Steward of the Stannaries within which the Tin shall be seized, shall forfeit the full Value of the Tin by him or them so carry'd, or procured to be carried as aforesaid, one half of the

No Tin to be carry'd from the Blowing-House before Break of Day, or after Sunset.

Penalty.

the said Forfeitures to be to the Lord Duke or King, and the other half thereof to the Informer, who shall sue or prosecute for the same, and likewise be committed to the Goal in *Loſwithiel*, there to remain without Bail or Mainprize for the Space of six Months.

No Piece of Tin
above 1 lb.
Weight to be
carry'd out of
the common
Road to the
Coinage Town.
Penalty.

And we do further order and ordain, that no Carrier, or other Person shall carry or convey any Block, Slab, or Piece of Tin exceeding one Pound Weight, from the Blowing-House where the same shall be blown, otherwise than by the direct or common Road leading from the Blowing-House to the Coinage Town, under the Penalty that such Person or Carrier who shall otherwise carry or convey the said Tin, being thereof legally convicted, shall likewise forfeit the true Value thereof, the one half thereof to the Lord Duke or King, and the other Part thereof to the Person that shall sue or prosecute for the same, and shall also suffer Imprisonment in the Goal at *Loſwithiel* for the Space of six Months, without Bail or Mainprize.

XVIII.

Stannary-
Courts are of
Record de
trib' in trib'
except Special
and Customa-
ry Courts.

Item, We do declare that the Stannary-Courts are Courts of Record to be held from three Weeks to three Weeks, according to the ancient Custom and Prescription; and that the Stewards thereof shall so keep them by themselves or sufficient Deputies; the Courts to begin before Twelve of the Clock in the Forenoon, excepting the especial Courts to be held upon any Tin-Work; and the Courts held after certain Fairs, according to ancient Custom.

XIX.

Owners and
Blowers not to
answer for
each others
Defaults.

Item, We do agree, constitute and ordain, that where any Fine or Amercement shall be laid or imposed upon any Owner of a Blowing-House, or Blower, for their respective Faults, the same shall and may be levied upon any Goods belonging to such Owner or Blower respectively, for their respective Faults, and not the Goods the one for the other.

XX.

Of whom the
Grand Jury
shall consist.

Item, We agree, constitute and ordain, that the Grand Jury for the respective Law-Courts, shall be of the best and most sufficient Stannators, to wit, Owners of Tin-Lands, Owners of Bounds, Adventurers for Tin, not being Merchants or Shopkeepers; and that there shall be Twenty four such Persons summoned by the Head Bayliff to attend such Grand Jury at every Law Court; and that such Law-Court shall be publickly proclaimed in two Market-Towns within the respective Stannaries, at least fifteen Days before the holding and keeping such Law-Court, signifying the Time and Place of the keeping thereof; and that every Person that shall be summoned, having six Days Notice, and making Default, shall be amerced any Sum not exceeding Forty Shillings, and that the Steward neglecting to keep such Law-Court, shall forfeit the Sum of Twenty Pounds, the one half thereof to the Lord Duke or King, and the other half to him that shall prosecute the same.

Proclamation
of Law-Court.

Grand Jury
Person, having
six Days No-
tice, not ap-
pearing, to be
amerced.

Steward not
keeping the
Law-Court.
Penalty.

XXI. *Item*,

XXI.

Item, We do agree, constitute and ordain, that when any Person, shall be arrested by any Writ or *Capias* out of the Stannary-Courts, returnable in the Stannary-Court, and by vertue thereof to be carried to the Goal of *Loftwithiel*, such Persons so imprisoned shall, or may have a Writ of *Duces tecum* granted to the Keeper of the said Prison, upon the Request or Demand either of the Plaintiff or such Prisoner at any Court, after the Writ or Process granted; and that the Keeper shall have 2 *d.* for every Mile he shall travel, in bringing the said Prisoner to the Court, and the like for conveying him back, if he shall be remanded; to be paid by the Parties praying the said Writ: And if the said Keeper shall refuse or neglect to bring such Prisoner to the Court, the said Money being tendered unto him, he shall forfeit 5 *l.* for every such Contempt or Neglect, being convicted thereof, to be levied upon his Goods by *Fieri fac.*, to the Use of the Lord Duke or King, and shall likewise be subject and liable to an Action of false Imprisonment by the Party so kept in Prison, after such Writ of *Duces tecum* delivered to the said Keeper or his Deputy, by which the Party so grieved shall recover his Damages with Costs of Suit, to be levied upon the Goods of the Keeper of the said Goal, by *Fieri fac.* Provided the Person praying such Writ of *Duces tecum*, first give such Security as the Steward of the Stannaries where the same shall be granted, shall approve of, that the Keeper shall be free of all Actions, by reason of any *Rescous*, until the Person shall be returned to the Prison, if he shall be remanded, for taking which Security the Steward shall take no Fee.

Duces tecum, how grantable.

Keeper to have 2 d. a Mile, to be paid by the Parties praying it.

And refusing to bring the Prisoner, on Tender, to forfeit 5 l. to the Ld. Duke, and liable to false Imprisonment.

Party to give Security to indemnify the Keeper.

XXII.

Item, If any Tinner, Worker, or Owner of Tin, do take, convey, alien, eloin, or defraud his Partners, or any of them, of any Parts or Parcels of Tin Stuff, Tin Oar, Brows, Spalls, Stones, Black Tin or White, to the Value of one Shilling, privately or secretly, with Intent of any manner of Fraud or Gain to his Partners, or any of them, he may be presented or indicted for the same in the Law-Courts of the Stannaries, and if convicted shall forfeit 5 *l.* to the Lord Duke or King; but if he or they be sued by Bill, Plaint, or Information, then the Lord Duke or King to have but the one half, and the Party suing the other half, and recover Damages and Costs, wherein no Essoin, Wager of Law, or Protection to be allowed; but if the Fraud be not proved, then he that is so troubled may bring his Action on the Case against the Informer, and recover Damages and Costs and Charges against him.

Tinners privately defrauding his Partners, forfeit 5 l.

XXIII.

Item, If any Person knock, break, or spall any Tin Brows, Rocks, or Stones, with any Hammer or Instrument whatsoever, at his own House, or in any secret Place, except it be where the Tin is wrought, or by Assent of the Lord of the Soil, or Bounder, where the Tin is wrought at any other Place, the Tin shall be forfeited

Penalty of Person Breaking, Spalling, &c. privately.

Forfeit 40 s.

to the Lord of the Soil in Several, and to the Lord of the Soil and Bounder in Wasterel, according to their several Proportions, and the Offender and Worker of the same Tin with Hammer, shall be indicted or presented thereof, and if convicted shall forfeit 40 s. and if it be by Bill, Plaint, or Information, then the Lord Duke or King shall have the one half, and he that will sue for the same the other half, with Costs and Damages, wherein no Essoin, Wager of Law, or Protection to be allowed.

XXIV.

Warrants and Executions blank, to be left with the Steward sign'd by the Vice Warden.

Item, Whereas the Vice Warden hath heretofore signed the common Warrants, or *Cap'*, and likewise blank Executions in the Margent of them, and hath Fees for them; we do order, constitute and appoint, that the said Warrants and blank Executions shall be left in the Hand of the respective Stewards, and not delivered over to the Bayliff till the same be filled, that it may be known when such Warrants are used, which may be material in real Causes depending in the Courts.

XXV.

Barrister or sworn Attorney only to plead, &c.

Item, We agree, constitute and ordain, that no Person except a Barrister at Law, or a sworn Attorney of one of his Majesty's Courts at *Westminster*, be admitted to plead or practice, as Counsel or Attorney, in any of the Stannary Courts.

XXVI.

Convocator to be no Jury-Man.

Item, We do agree, constitute and ordain, that no Person being a Member of a Convocation, shall at any time hereafter be returned or summoned to serve, or be in any Jury whatsoever in the Stannary-Courts, nor be amerced for and in relation to such Service.

XXVII.

Publishing Bayliffs.

Fees.

Bayliffs sworn, and enter into Recognizance.

Item, We agree, constitute, and ordain, that there shall be allowed for Publishing Bayliffs in every Stannary as followeth, *viz.* for the Stannary of *Blackmore*, twelve Bayliffs; for the Stannary of *Penwith* and *Kirrier*, twelve Bayliffs; for the Stannary of *Tywarnhayle*, ten Bayliffs; for the Stannary of *Foymore*, four Bayliffs, and no more; and that the Names of the said Bayliffs of the said Stannaries, may be set up in the Court-Hall of the Stannaries; and that the Table of Fees be likewise set up in the said Courts respectively; and that the Attorneys of the said Court shall make and deliver their Bills of Costs to their Clients in *English* fairly written, and not in Court-Hand; and every such Bayliff shall be sworn by the Steward for the Time being, and enter into Recognizance before the Vice Warden or Steward, in 10 l. for his good abearing himself in his said Office, or said Place; and that every such Bayliff shall make Return in Person, at every Court, of all Proceffes that he shall execute according to his Oath, on Forfeiture of his Recognizance. But if any Person shall think fit, upon necessary Occasions, to imploy any Special Bayliff, at the Instance of the Plaintiff or his Attorney,

torney, a Warrant may be granted to such Special Bayliffs. But in case of any Wrong, Injury, or Misdemeanour in the Execution of such Process, the Attorney or Plaintiff to be liable to make Satisfaction to the Party injured, wherein he shall have his Costs. And if any Bayliff shall make any false or undue Return of any Process, and such Bayliff shall be thereof convicted before the Steward, Vice Warden, or Lord Warden, he shall be fined according to the Quality of his Offence, which Fine shall be levied by *Fieri fac'* on his Goods, and for Default of his Goods, he shall be imprisoned at the Goal in *Loftwithiel*, there to remain until he shall pay such Fine, which Fine shall be to the Lord Duke or King. And if any Bayliff break his Bond or Recognizance, and be thereof lawfully convicted, if ever after he be found serving or executing any Stannary Process, he shall be imprisoned one Year.

Injury of Special Bayliff to be paid by Attorney or Plaintiff. False Return.

Bayliff breaking Recognizance to serve no more Process.

XXVIII.

Item, We present and affirm, that by ancient Right and Custom the Tything-Men of the eight Tythings in the Stannary of *Blackmore*, viz. the Tything-Man of *Tretbenny*, the Tything-Man of *Boswith*, the Tything-Man of *Trevervin*, the Tything-Man of *Pridis*, the Tything-Man of *Trenance-Austle*, the Tything-Man of *Tremedy*, the Tything-Man of *Tregonack*, the Tything-Man of *Melliack*, being sworn Officers of that Court, shall or may warn or summon any Person or Persons within the said Stannary of *Blackmore*, to appear at the said Court *ex Officio*, without any Writ or Summons.

Tything-Men in Blackmore summon ex Officio.

XXIX.

Item, We agree, constitute and ordain, that the Officers of the respective Coinages, shall continue and hold their respective Coinages, every Coinage at the Town of *Liskeard* two working Days, at the Town of *Loftwithiel* six working Days, at the Town of *Truro* twelve working Days, at the Town of *Helfton* six working Days, at the Town of *Penzance* two working Days; and the same Officers shall in the Morning of the last Day of the said respective Coinages, make and publish a Proclamation by the publick Cryer of the said respective Coinage Towns, in the Street there, that they intend to adjourn the Coinage from such Town in the Evening of the said Day, so that the Tinnors, and all other Persons concerned, may have Notice thereof. And we do further order, that the said Coinage Officers shall begin in their respective Coinages yearly, and proceed to hold the same without Delay, all such Times as have been anciently used and accustomed for Coinage of Tin in the respective Stannary Towns.

How long the Coinage shall be held.

XXX.

Item, We do agree, constitute and ordain, that the Supervisors, Poisers, and Essay-Masters, or Tare-Masters, being Ministers of the Coinage, and their Deputies, and whosoever else shall exercise either of those Places, and all other Officers of the said Coinage, having Commissions or Deputations for their respective Places, they

Coinage Officers to be sworn, or forfeit 10l. every Coinage.

they and every of them respectively, and their respective Deputies, shall be sworn in the Stannary Court, or before the Lord Warden, or Vice Warden, before they shall execute their said Places, duly and justly to execute their said Offices and Places, and to decide and pronounce rightly and without Partiality, between Party and Party, and shall take a *Constat* or Certificate of such their Oaths; and if they or any of them shall execute their Places before they are sworn, they and every of them respectively, shall forfeit 10 *l.* for every Coinage they shall so execute their Offices without being sworn; which said 10 *l.* shall be recovered by Presentment or Indictment, or in the Stannaries Court, and shall be levied upon the Goods of the Parties so offending, and in Default of such Goods, by Imprisonment of the Person, the one half of the 10 *l.* to the Party that shall prosecute for the same, and the other half to the Lord Duke or King.

XXXI.

*Uncoined Tin
not to be used
or coined; and
Comptrollers
neglecting to
put Hammer
on every Piece.*

Penalty.

Item, We do further constitute and ordain, that no Tin shall be sold to any Man to be carried out of the County, or to be used in the County, except it be first coined and smitten with the Hammer for that purpose ordained; and if the Comptroller or his Deputy shall neglect to put the Coinage, or Hammer Mark, upon every Piece of Tin weighed at or in the Coinage Hall, for which the Duty is paid or charged, the Comptroller or his Deputy so neglecting, shall forfeit the Value of such Block or Blocks of Tin so not smitten, and shall likewise recompence the Tinner grieved all his Damages, to be recovered by Action upon the Case in the Stannary-Court, wherein he shall likewise have his Costs of Suit.

XXXII.

*Tinner to put
what he please
in Coinage Bill.*

Item, We agree, constitute and ordain, that it shall and may be lawful to and for every Tinner to put as many Pieces or Slabs of Tin (being his own Tin) in one Coinage Bill, as he thinks fit.

XXXIII.

*Coinage not to
be put off.*

Item, That whereas last *Midsummer* Coinage was adjourned, kept and held after the Time, in which by the Laws and Customs of the Stannaries it ought to be, which Adjournment was contrary to the Rights and Privileges of the Tanners, and the Laws of the Stannaries: For a Settlement whereof, and that the said Adjournment may never be drawn into Example for the future, We do agree, constitute and ordain, that from henceforth the Comptroller and other Officers of the Coinage, shall not at any time hereafter adjourn or put off the Coinages, otherwise, or in any other Manner, than by the Laws and Orders of the Stannaries are appointed, declared, established and ordained; and that the said respective Officers of the Coinages, shall by themselves, or respective sufficient Deputy or Deputies respectively, give their due Attendance at the several respective Coinages, in the Time and Place appointed, limited and ordained by the Laws, Directions and Ordinances of the Stannaries,

Stannaries, and in Default of such due Attendance and Execution of their respective Offices, each Officer so failing and neglecting of their Duty, and being duly convicted thereof by Action of Debt, Bill, Plaint, or Information in the Stannary-Court, shall forfeit and lose for every Default the Sum of 40 l. besides Costs of Suit, to be levied upon his Goods and Chattels, or if the same be not sufficient, then by Imprisonment, by Writ of *Capias ad satisfac*°, in the Goal of *Lestwithiel*, until the same shall be paid; one half of such Forfeiture to the King, or Duke of Cornwall, and the other half to the Party suing or prosecuting for the same. In Confirmation whereof, the Right Honourable the Lord Warden hath hereunto put his Hand and Seal of the Dutchy of Cornwall; and the respective Stannators of the respective Stannaries above mentioned, their Hands have set the Sixteenth Day of October, 3 Jac. 2.

B A T H.

<i>John Carew,</i>	<i>John Manly,</i>
<i>John Coryton,</i>	<i>Joseph Sawle,</i>
<i>John Molesworth,</i>	<i>John Waddon,</i>
<i>John Speccot,</i>	<i>John Tanner,</i>
<i>Walter Kendal,</i>	<i>Richard Bonython,</i>
<i>Nicholas Glyn,</i>	<i>William Arundel,</i>
<i>Henry Vincent,</i>	<i>George Robinson,</i>
<i>Humphry Courtney,</i>	<i>Richard Hoblyn,</i>
<i>Bouchier Wrey,</i>	<i>John Penneck.</i>
<i>Jonathan Rawleigh,</i>	

R

A T

AT the Convocation of Four and twenty Stannators, or Parliament of Tinnars, assembled for the Stannaries in *Cornwall*, held at *Loſtwithiel* in the ſaid County of *Cornwall*, the Twenty ſixth Day of *October*, in the Second Year of the Reign of our Sovereign Lord *James* the Second, by the Grace of God of *England*, *Scotland*, *France* and *Ireland*, King, Defender of the Faith, &c. before the Right Honourable *John* Earl of *Bath*, Lord Warden of the Stannaries of *Cornwall* and *Devon*, and one of the Lords of his Maſteſty's moſt Honourable Privy Council, by Vertue of his Maſteſty's moſt gracious Commiſſion under the Privy Seal to his ſaid Lordſhip directed, bearing Date the Eighth Day of *September* in the ſaid Second Year of his Maſteſty's Reign.

Stannators of the ſeveral Stannaries.

Blackmore.

Sir John Arundel, Knt.
Hend^r Roberts,
Jonathan Raſbleigh,
Walter Kendal,
Charles Trevannion,
Humphry Courtney,
 } Esqs;

Foymore.

Sir Bouchier Wrey, Bart.
Sir John Coryton Bart.
Sir John Molesworth, Knt.
Sir Hugh Piper, Knt.
John Speccott, Esq;
John Wadden, Esq;

Tywarnhaile.

John Arundel, Esq;
Sir Richard Edcomb, Knight of
 the *Bath*.
John Prideaux,
Joſeph Sawle,
Henry Vincent,
Richard Bonython,
 } Esqs;

Penwith and Kirrier.

Sir John Carew, Bart.
Sir John St. Aubyn, Bart.
William Arundel, Esq;
Richard Hoblyn, Esq;
George Robinson, Esq;
John Pinneck, Gent.

We the aboveſaid Four and twenty Stannators, being duly elected and returned by the four reſpective Mayors and Council of the ſeveral Towns of *Loſtwithiel*, *Truroe*, *Helſtone* and *Launceſton*, to ſerve in this preſent Convocation, or Parliament of Tinnars, according to the ancient Preſcription and Uſage of the ſaid Stannaries, and aſſembled as aforeſaid, took into Conſideration theſe Articles following, viz.

For that the unanimous Conſent of the full Four and twenty, according to the Letter of the Charter of Pardon, may not be put to every Ordinance propounded, to the end that our Endeavours for the want of one or few Voices may not fall to ground; we, following former Preſidents and Uſuage, do agree, conſtitute and ordain, that whatſoever Propoſition ſhall be affirmed and concluded by

by Sixteen or more in Convocation assembled, but not under the same, shall stand and be binding as the Act of us all.

We do nominate and appoint *Bernard Kendal* and *Thomas Horwel*, Gent. to be our Clerks, and to attend us and execute our Commands from time to time during this Convocation.

Ordered, Nemine contradicente, That *Humphry Courtney*, Esq; be Chairman of this Convocation.

Ordered, That the Fees of the several Courts of the Stannaries, settled and agreed on by the last Convocation, shall be confirmed by this Convocation.

Ordered, That *Humphry Courtney*, Esq; *William Arundel*, Esq; *Henry Vincent*, Esq; *Richard Hoblyn*, Esq; *George Robinson*, Esq; and *John Penneck*, Gent. do inspect the last Journal, and all other Records and Papers which shall be in their keeping, or brought to them, which concern the Customs and Laws of the Stannaries, and make their Report to morrow setting the Court.

And then this Convocation adjourned till to morrow Nine of the Clock.

27 Octob. 1686.

Ordered by this Convocation, that Thanks be returned to the Lord Warden for his Speech to this Convocation, and that *Sir Bouchier Wrey*, Bart. *Sir John Carew*, and *Sir Richard Edgcombe*, be desired to wait on his Lordship, to know his Pleasure when he will receive the same.

Ordered, That *Charles Trewannion*, Esq; *Henry Vincent*, Esq; *Richard Hoblyn*, Esq; *William Arundel*, Esq; and *John Penneck*, Gent. and as many of this Convocation else as will, shall be a Committee to consider the Grievance mentioned in the Paper offered this Convocation, by *Mr. Bryan Rogers* and *Mr. William Worth*, and think of a Way to relieve the same.

Ordered, That in regard of the many great Concerns relating to the Tanners in general, that Six able Tanners be summoned by this Convocation, according to former Usage, out of each Stannary, to attend this Convocation.

Ordered, That the last Paper presented this Convocation by *Mr. Bryan Rogers*, be considered of to morrow Morning.

And then adjourned till to morrow Morning Nine of the Clock.

28 Octob.

28 Octob. 1686.

Ordered, That the Lord Warden's Speech made to this Convocation when they first met, be read now, and that the said Speech be entred in this Book.

The Lord Warden's SPEECH to this CONVOCATION the 26th of October, 1686.

Gentlemen,

HIS Majesty, in both the Commissions under his Privy Seal now read, hath been pleased so fully to express his Royal Pleasure in calling this Convocation, that it will be unnecessary for me to say much on this Occasion. I refer to my Vice Warden to lay before you the present State of the Stannaries, which I doubt not but he will perform to your Satisfaction; I shall only mind you of the great Obligation we owe, beyond all other Subjects, to our most Gracious Sovereign.

When his Majesty succeeded his Royal Brother of ever blessed Memory, in the Throne of these Kingdoms, all, or the greatest Part of the Boroughs of this County had surrender'd their Franchises, together with their Charters, which his Majesty was graciously pleased to order forthwith to be restored, and regranted with such additional Liberties as they themselves could rationally desire; and, as a distinguishing Mark of his Royal Favour, gave express Command, that all the several new Charters should pass the respective Seals and Officers without paying Fees, a Royal Bounty and Goodness to us beyond Example.

His Majesty hath likewise been graciously pleased, ever since the late horrid Rebellion, to commit the Government of this County to the Civil Magistrate, without any Guard of Soldiers, which the traitorous Attempts and wicked Inclinations of disloyal Men have rendred necessary for securing the Peace of the Kingdom.

And, as a Continuance of his Majesty's Royal Grace and Favour to us, well knowing in his Princely Wisdom, that though all the Lands in *Cornwall* do not yield Tin, yet their Value in a great Measure depends on that Commodity, he hath commanded this Convocation to be called merely to oblige and gratify our Country, in reforming the Abuses of the Stannaries, and hath prevented even our Desires, declaring his gracious Intentions not only to establish and confirm, but also to augment the Liberties and Privileges which the Tinnars claim and derive from the Bounty of his Majesty's Royal Progenitors.

Gentlemen,

I am very glad of this Occasion to meet so many of my worthy Countrymen, and I shall not be wanting to you on my Part in any thing which may render this Meeting fully as beneficial and advantageous to the Tinnars, as his Majesty hath most graciously intended it.

I am

‘ I am very confident, that an Assembly composed of such worthy, prudent, and loyal Persons of the best Interest and Quality of our County, as you are, will proceed in all things as you ought to do, for his Majesty’s Service, and the Good of the Tinnerns, for which Ends only you are called; and that you will seriously resolve to carry on your Consultations with Gravity, Prudence, and all Duty to the King and Love to your Country, not permitting Factions or unnecessary Disputes to arise among you in your Debates, to hinder your Proceedings for the Publick Good.

‘ In Conclusion, I hope that we shall join unanimously together in Opinion, that his Majesty’s great Confidence in the constant Loyalty of this County, his Goodness and Concern for our Ease and Prosperity, and the Pleasure his Majesty takes, after the Example of our late most Gracious King of Blessed Memory, of obliging us beyond other County’s Subjects, are peculiar and extraordinary Obligations laid upon us to endeavour all we are capable to advance his Majesty’s Service, Honour and Greatness; for it is most just, that our Lives and Fortunes be devoted to his Service, under whose gracious Protection it must be our own Faults if we do not continue to enjoy all Happiness, Wealth, Peace and Tranquility beyond all others whatsoever; for which we have Reason to bless God, and ever to pray according to our bounden Duty, for the long Life and prosperous Reign of our most Gracious Sovereign, King *James* the Second.

This Convocation is adjourned until Two of the Clock in the Afternoon.

The Paper Mr. *Bryan Rogers* offered this Convocation, is rejected; yet that each Stannary have a Copy of the said Paper, and that it be entred in this Book, and that *Richard Hoblyn*, Esq; *George Robinson*, Esq; and *John Penneck*, Gent. do draw the Reasons for rejecting it.

Which Paper follows in these Words.

Cornwall. WE most humbly offer to the Honourable Stannators at this Time assembled for the Preservation and Support of the poor labouring Tinnerns of this County, as also for maintaining of the Reputation of the Staple Commodity which this County doth afford, beyond any other Part of the World, that in case your Honours, who are now chosen to confirm all the antient and wholesome Laws, and to make such further Laws as in your grave Wisdom shall be thought fit; if your Honours shall think fit to engage for your selves, that you will not make Sale of any of the Tin which is properly your own, and that there may be added six Assistants of the most eminent Tinnerns of each Stannary, which may be obliged under the same Circumstances with your selves, not to sell the Tin which is properly yours or their own, and made by you or them under such a Rate as may be thought proper and reasonable by your Honours, which we with humble

S

Submission

Submission to your Honours, 3 *l.* 5 *s.* *per Cent.* Merchant Weight uncoined, it may be a Means to keep this Staple Commodity in Esteem; and that if any Necessity lies on any indigent Tinner, the Stannators and Assistants of each respective Stannary do buy the same, that so they may be relieved, and in one Year it may undoubtedly bring the said Commodity into such Esteem, as that not only his Majesty's Revenue may thereby be advanced, but the Tanners have a more encouraging Price, and the Honourable Stannators a considerable Advantage in their Estates.

Signed, *Bryan Rogers,*
William Worth.

The Names of the Assistants named this Convocation.

Blackmore.

Charles Truboddy,
Richard Scoble,
Nicholas Young,
Thomas Carlyon,
Stephen Robins,
John Woolridge, } *Gent.*

Foymore.

Samuel Langford, jun.
Stephen Robins,
Anthony Lyle,
Henry Nowell,
Thomas Jenkin,
Alexander Rundle, } *Gent.*

Tywarnhaile.

Edward Hoblyn of St. Enod', *Gent.*
Humphry Tregea,
Nicholas Francis,
Michael Crocker,
Coswith Martyn,
Nicholas Kent, } *Gent.*

Penwith and Kirrier.

John Pollard, Esq;
Sampson Veal, Esq;
Thomas Haweis,
Stephen Mitchell,
Anthony Cock,
John Harris, } *Gent.*

Ordered, That the last Paper delivered to this Convocation by Mr. *Bryan Rogers*, be presented to the Right Honourable the Lord Warden; and that Sir *Bouchier Wrey*, Sir *John Carew*, Sir *John Arundel*, and Sir *Richard Edgcombe* wait on his Lordship with it. *And then adjourned for half an Hour.*

Ordered, That the Reasons for rejecting the Paper brought to the Convocation by Mr. *Bryan Rogers* be left to be considered of until to morrow Morning.

And then adjourned till to morrow Morning Eight a Clock.

29 Octob. 1686.

Ordered, That the Lord Warden be waited on to petition the King's Majesty for a Farm for the Tin not under the Price of 3 *l.* 12 *s.* 6 *d.* *per Cent.* Stannary Weight.

Ordered, That *Hender Roberts, Esq;* *John Arundel, Esq;* Sir *John Arundel, Knt.* *William Arundel* and *Richard Hoblyn, Esqs;* or any three

three of them, do go together and draw up an Address to be presented to the Lord Warden for a Farm.

Ordered, That all the antient and laudable Laws and Customs of the Stannaries be prepared for the Royal Assent.

Ordered, That *Henry Vincent, William Arundel, Richard Hoblyn,* and *George Robinson,* Esqs; and *John Penneck,* Gent, or any three of them do meet together, and inspect the old Laws and Customs of the Stannaries, and prepare them against the next Meeting of the Convocation, for confirming and making of what new Laws shall be fit and expedient, and that all former Rolls, in whose Custody soever, be delivered into their Hands for their better Information, and are hereby impowered to send for others.

Ordered, That the Paper brought in by *Sir John Arundel,* concerning working Tin under Ground in others Bounds, and felling Black Tin, be taken into Consideration, and a Law prepared to prevent it.

And then adjourned for half an Hour.

Adjourned until two a Clock this Afternoon.

Ordered, That the Amendments now inserted in the Address to the Lord Warden by this Convocation, shall stand.

Ordered, That the said Address, as now amended, be engrossed:

And then adjourned for half an Hour.

Ordered, That the Address be signed by all the Convocators, presented to the Lord Warden by them, and entred in this Book.

To the Right Honourable John Earl of Bath, Lord Warden of the Stannaries of Cornwall and Devon, and High Steward of his Majesty's Dutchy of Cornwall;

The Humble A D D R E S S of the CONVOCATORS assembled in Convocation at Loftwithiell, the 26th Day of October, 1686,

Sheweth,

THAT forasmuch as through the Combination of Merchants, and other Buyers and Intermeddlers with White Tin, the Price thereof is very low, and the Tinnors thereby discouraged from continuing and carrying on their Adventures, which every Day grow more chargeable, by Reason of the great Depth of the Works, and the Expences in drawing the Water, and diverse other Accidents, so that the working for Tin is in Danger to be utterly neglected, and consequently his Majesty's Duty arising out of that Commodity lessened, and the great Benefit and Advantage, which not only the Tinnors, but all his Majesty's Subjects receive thereby, is in Danger to be lost, if not seasonably prevented; which we having taken into our serious Consideration, and well knowing the great Care your Lordship hath still taken for the Good and Benefit of all the Tinnors, and your constant Inclinations to do them all Acts of Kindness, as well as Justice, do by, and with the Petition of the most considerable Tinnors of the several Stannaries now present, humbly desire your Lordship to represent their Condition to the King's most Excellent Majesty, and to pray his Majesty's Commission to your Lordship to treat with the Tinnors in Convocation, for settling a Farm for the Tin of this County at such a Price, not being less than 3 *l.* 12 *s.* 6 *d.* *per Cent.* Stannary Weight, as may encourage the said Tinnors to continue and improve their Adventures, which tend so much to his Majesty's Advantage, the Support of his Majesty's ancient Dutchy of Cornwall, and the Profit of the Realm.

Signed by all the Convocators.

*To the Right Honourable John Earl of Bath, Lord Warden of
the Stannaries of Cornwall and Devon.*

WE the Tanners here present at this Convocation, being highly sensible of your Lordship's Kindness expressed to us and the Tanners in general, by your Honour's Speech in Favour of our Liberties and Customs, think our selves in Duty bound to return your Lordship our most humble Thanks, desiring your Lordship still to continue the same; in Presumption of which, we humbly beg your Lordship's future Kindness in affording your Lordship's Assistance to this honourable Convocation, for the advancing and settling the Price of our Tin, to prevent the Ruin and Poverty of the Tanners, as in your Lordship's Wisdom you shall think meet, and you will for ever oblige

Your Honour's most Obliged Servants,

Bryan Rogers, Wry Worth.

<i>Stephen Robyns,</i>	<i>John Wood,</i>
<i>Sampson Veal,</i>	<i>Nicholas Francis,</i>
<i>George Treweeke,</i>	<i>Humphry Tregea,</i>
<i>John Rogers,</i>	<i>Thomas Stephens,</i>
<i>Cosworth Martyn,</i>	<i>Nevell Tonken,</i>
<i>Nicholas Young,</i>	<i>John Hayman,</i>
<i>Stephen Robyns,</i>	<i>Roger Hicks,</i>
<i>Henry Jenken,</i>	<i>Thomas Harris.</i>

Ordered, That Thanks be returned to his Majesty for his gracious Commissions, and that the Committee for drawing the Address to the Lord Warden, draw up the same.

Ordered, That Sir John Carew and Sir Richard Edgcombe be added to the Committee for drawing up the same Thanks.

And then adjourned until Ten a Clock this Night.

Ordered, That the Address to his Majesty now read, be engrossed in Parchment, and entred in this Book.

And then adjourned until to morrow Eight a Clock in the Morning.

To the King's most Excellent Majesty.

WE your Majesty's most Dutiful and Loyal Subjects, now assembled in a Convocation of Tinnars for the County of Cornwall, at *Loftwithiell*, the Twenty sixth Day of *October*, in the Second Year of your Majesty's Reign, by Vertue of your Majesty's most gracious Letters Patents, granted to the Right Honourable our Lord Warden of the Stannaries, to consult of our Laws and Customs, and to settle and reform the same in what should be amiss, do in all Humility and Thankfulness acknowledge your Majesty's most gracious Favour and Bounty, signified by the said Commissions to us, and the Body of the Tinnars of this County, and declared to us by the Lord Warden; we have, in Pursuance of your Majesty's said Commission, several Matters relating to the Tinnars under our Consideration, which will require Time to perfect, and as soon as we can compleat the same, we shall humbly lay it at your Majesty's Feet for your Majesty's Royal Confirmation; and we humbly implore the Continuance of your Majesty's Royal Bounty and Goodness to the said Tinnars, who, as they have hitherto shewn their Loyalty and Duty to your Majesty's Royal Father and Brother of ever blessed Memory, so we doubt not but they ever will devote their Lives and Fortunes to your Majesty's Service. We pray for your Majesty's long Life and happy Reign, and shall upon all Occasions manifest our selves

Signed by all the
Convocators.

Your Majesty's most Dutiful and Loyal Subjects.

The 30th of October, 1686.

Adjourned to the Coinage Hall in *Loftwithiell*, and from thence adjourned until the first Day of *February* next at *Loftwithiell*.

Cornwall.

Cornwall. **A**T the Convocation held by Adjournment at *Loftwithiell*, the 1st Day of *February* in the Second Year of the Reign of our Sovereign Lord *James the Second*, by the Grace of God King over *England, &c.* Annoq; Domini 1686.

Then met together,

Hend Roberts,
Humphry Courtney,
Jonathan Rashleigh,
Walter Kendall,
William Arundell,
Richard Hoblyn,
John Arundell,
John Prideaux,
Joseph Sawle,

Esqrs;

Henry Vincent, Esq;
George Robinson, Esq;
John Penneck, Gent.
Sir John Coryton, Bart.
Sir John Moleworth, Knt.
Sir Hugh Piper, Knt.
John Speccott, Esq;
John Waddon, Esq;
Sir John Carew, Bart.

Ordered, That the Committee appointed for regulating the Customs of the Stannaries be, and the same is continued, to inspect and seal the Customs, and to prepare them against the next setting of the Convocation.

Ordered, That the Vice Warden be desired to return the Thanks of this Convocation to the Lord Warden, for his great Care and Pains in the Concern of the Tinnars, and to signify their Desires for the Continuance of the same, and that they will give due Observance to his Lordship's Letter.

And then this Convocation adjourned to the 12th of April next.

To the Honourable the Convocators, or Parliament of Tinnars now assembled.

WE whose Names are subscribed, being chosen Assistants to the Honourable Convocation, having taken into our serious Considerations, that through the Combination of some Merchants, the Price of Tin is fallen very low, and the Tinnars thereby discouraged from continuing and carrying on their Adventures, which every Day grow more chargeable, so that the working for Tin is in danger to be neglected, and consequently his Majesty's Duty arising out of that Commodity lessened, and the great Benefit and Advantage which not the Tinnars only, but all his Majesty's Subjects receive thereby, is in danger to be lost, if not seasonably prevented; Do humbly represent the same to this Honourable Convocation, desiring you further to represent the same to the Right Honourable *John Earl of Bath*, Lord Warden of the Stannaries, desiring his Lordship's Intercession with the King's most excellent Majesty, to grant his Commission to some Persons to treat with the Tinnars in Convocation for settling a Farm for the

Tin

Tin of this County of *Cornwall*, at such Price not being under 2 *l.* 12 *s.* 6 *d.* for every Hundred Pound Stannary Weight, as may encourage the said Tanners to continue and improve their Adventures, which tends so much to his Majesty's Advantage, and the Profits of his Subjects, &c.

Signed by,

<i>John Pollard,</i>	<i>Nicholas Francis,</i>
<i>Sampson Veale,</i>	<i>Nicholas Young,</i>
<i>Stephen Robyns,</i>	<i>Thomas Jenkin,</i>
<i>Charles Trubody,</i>	<i>Cosworth Martyn,</i>
<i>Richard Scoble,</i>	<i>John Harris,</i>
<i>Edward Hoblyn,</i>	<i>Humphry Tregea,</i>
<i>Thomas Carlyon,</i>	<i>Anthony Cock,</i>
<i>Stephen Robyns,</i>	<i>Stephen Mitchell.</i>
<i>John Woolridge,</i>	

Cornwall. **A**T the Convocation held at *Lostwithiell* by Adjournment the 12th Day of *April*, in the 3d Year of the Reign of our Sovereign Lord *James* the Second, by the Grace of God King of *England*, &c. Annoq; Domini 1687.

Then present,

<i>Hendrick Roberts, Esq;</i>	<i>Jonathan Rasbleigh,</i>	} Esqs;
<i>Humphry Courtney, Esq;</i>	<i>George Robinson,</i>	
<i>Sir John Carew, Bart.</i>	<i>John Speccott,</i>	
<i>Sir John Corityn, Bart.</i>	<i>John Waddon,</i>	
<i>Richard Hoblyn,</i>	<i>John Prideaux,</i>	
<i>Sir John Molesworth, Knt.</i>	<i>Richard Bonython,</i>	
<i>Sir Hugh Piper, Knt.</i>	<i>William Arundel,</i>	
<i>Walter Kendall, Esq;</i>	<i>John Penneck, Gent.</i>	

Ordered, That the Lord Warden's Letter to this Convocation, bearing Date the second Day of *April* instant, be entred in this Book.

Gentlemen and Worthy Countrymen,

IN my last to my Vice Warden I did signify to you how graciously his Majesty was pleased to receive your Petition and Address, and to recommend it to the Care of the then Lord Treasurer, whose sudden Removal did retard the Progress, which otherwise might probably have been made in Reference to the same.

I must now further acquaint you, that the Lords Commissioners of the Treasury having been of late taken up with many great and weighty Matters, have not had Leisure as yet so fully to consider the Proposals made by the Convocation relating to the Farm, as a Matter of that Importance doth require; so that 'tis impossible to obtain a Dispatch by the twelfth of this Instant, the time appointed for our next Meeting, tho' his Majesty has of late very particularly recommended

recommended this Affair to the Lords Commissioners, as he hath formerly done to the Lord Treasurer; wherefore his Majesty hath commanded me to signify his Pleasure for adjourning the Convocation from the twelfth of this instant *April*, to the twenty seventh Day of *July* next ensuing; and to that Purpose I have directed my Vice-Warden to signify his Majesty's said Pleasure for the said Adjournment accordingly; by which Time, I make no Doubt, but his Majesty will be pleased to answer the Contents of your Petition, by giving Instructions and Commissions with full Power to treat and conclude a Farm.

In the mean time this Adjournment will give you further Opportunity, at leisure, to consider what new Laws are necessary to be made, and what old fit to be confirmed; so that it will be your own Faults, if the Government of the Stannaries be not hereafter more easy and advantageous than formerly, for the Benefit of the Tinnars. I have only further to assure you, that as I have hitherto used all Industry and Endeavours to promote this Affair, so I shall not be wanting still to contribute my utmost Interest and Assistance to bring it to a happy Issue, for his Majesty's Service and the Good of the Tinnars. I am sorry I cannot be at your present Meeting, where I would certainly have been, could it have been done without Prejudice to the Trust you have reposed in me, my Solicitation of this Business being absolutely necessary at this time. But I am fully resolved, God willing, to be personally present at the next Meeting, and so I remain,

Gentlemen,

St. JAMES's,
Apr. 2. 1687.

Your most Affectionate Friend to serve you,

BATH.

Ordered, That a Letter of Thanks be returned to the Lord Warden for his said Letter to this Convocation, and that *Hendrick Roberts*, Esq; *Sir John Carew*, *Sir Hugh Piper*, *John Speccott* and *Richard Hoblyn*, Esqs; do draw up the said Letter.

Ordered, That the Order of the King and Council, concerning the imbezelling of Tin by Night, be referred to the Committee for regulating the Customs of the Stannaries, and be entred in this Book.

At the Court at White-Hall, the Fourth of February, 1686, by the King's most Excellent Majesty, and the Lords of his Majesty's most Honourable Privy Council.

UPON hearing this Day by Council learned, the Matter depending at the Board, touching a Seizure made for his Majesty's Use by *Shadrach Vincent*, Esq; of six Pieces of uncoined Tin claimed by *James Kempe* of *Penryn* in the County of *Cornwall*, Merchant, as the same was carry'd from *Blowing-House* in the Night towards *Penryn*, to be transported, as it was supposed; which Cause having been heard before the Vice-Warden of the Court of Stannaries,, and Judgment thereupon given for a new Trial, to be had by a Jury to be chosen out of the four Stannaries, his Majesty was pleased to confirm the said Judgment, and to order that a new Trial be accordingly had at the next Court of the Stannaries; and that the Right Honourable the Earl of *Bath*, Lord Warden of the Stannaries, do for the preventing the Embezelling and Conveying away of uncoined Tin, effectually recommend to the next Convocation of Tinnerns, to make such Laws as shall be judged expedient to hinder the Carriage of Tin by Night, so as his Majesty may not be defrauded of his Duties.

John Nicholas.

This Convocation adjourned for one Hour.

Ordered, that the Answer to the Lord Warden's Letter be entred in this Book.

Right Honourable,

WE have received your Lordship's Letter of the second Instant, and do return your Lordship, both on the Behalf of our selves, and the Body of the Tinnerns of this County, our most humble and hearty Thanks for your Lordship's great Care and Pains, which your Lordship is pleased to take in order to the effecting the Requests we have formerly made to your Lordship on the Behalf of the Tinnerns, and for the good Progress your Lordship has made, humbly desiring the Continuance of your Lordship's Favour and Kindness therein. We shall adjourn to the 27th of *July*, according to your Lordship's Direction, and shall endeavour to provide such Laws, whereby his Majesty may not be defrauded in his Duties, by carrying of Tin by Night or otherwise; and to make such other Constitutions as shall be for his Majesty's Service, and the Good of the Tinnerns of this County. We rest

*Loftwithiell, Apr. 12.
1687.*

Your Lordship's most Humble Servants.

Signed by the Seventeen then assembled in Convocation.

Ordered,

Ordered, That *Hendrick Roberts*, *Humphry Courtney*, *Walter Kendall*, *Jonathan Rashleigh*, and *Joseph Sawle*, Esqs; or any three of them, do inspect the Standards of the Stannaries at *Lostwithiell*, and enquire what is become of the Weights which were heretofore remaining in *Lostwithiell*, and to make Report thereof at the next Setting of this Convocation.

Ordered, That this Convocation be adjourned to the Twenty seventh of *July* at *Lostwithiell*; and 'tis adjourned accordingly.

Cornwall. **A**T the Convocation held at *Lostwithiell* by Adjournment the Twenty seventh of *July*, in the Third Year of the Reign of our Sovereign Lord *James* the Second, by the Grace of God King over *England*, &c. Annoq; Domini 1687.

Then appeared

John Arundell, Esq;
Humphry Courtney, Esq;
Sir John Carew, Bart.
Sir John Moleworth, Knt.
Walter Kendall, Esq;
John Rashleigh, Esq;
John Speccott, Esq;

John Prideaux, Esq;
Joseph Sawle, Esq;
John Waddon, Esq;
Richard Hoblyn, Esq;
William Arundell, Esq;
George Robinson, Esq;
John Penneck, Gent.

Ordered, That the Letter from the Lord Warden to the Vice-Warden be entred in this Book.

S I R,

AFTE R my hearty Commendations, these are to signify to you, that the Death of some of our eminent Merchants, and the falling off of others that were treating for a Farm, hath put a present Stop to our Progress in the Tin Affair, so that 'tis impossible it should be brought to any Conclusion against the Time prefix'd for the next Meeting of the Convocation; however, I am not without Hope of good Success at the last, his Majesty having again taken the Matter into his own further Consideration, and also recommended the same to the Lords Commissioners of the Treasury. I hope the Result will be to the general Satisfaction, of all Benefit to the Stannaries, and the Interest of his Majesty's Revenue, wherein, as I have not hitherto, so I shall not be wanting to contribute my utmost Endeavours, as Occasion shall require. I am therefore commanded to signify unto you his Majesty's Pleasure, that you give Orders for the adjourning of the Convocation, if there be a sufficient Number of the Stannators present; if not, that you prorogue it from the Twenty seventh of this Instant *July*, to the Eleventh Day of *October* next ensuing; by which Time I intend, God willing, to be with you there at your Meeting, and
bring

bring down his Majesty's Pleasure and final Determination, which I hope will be for the publick Good of the Tingers, according to my Hearty Wishes and faithful Endeavours to serve my Country, so recommending this to your Care, I bid you heartily farewell, and remain

St. JAMES'S,
July 15, 1687.

Your very loving Friend,

BATH.

For his Majesty's Service.

For Sir Joseph Tredenham, Knt. Vice-Warden of the Stannaries of Cornwall, to be communicated to the Convocation of Stannaries at Lostwithiell.

Ordered, That the Vice Warden be acquainted, that two of the Members of this Convocation are dead, and that he will acquaint the Lord Warden of it.

Ordered, That the Committee for inspecting the Lands of the Stannaries, be continued until the Eleventh Day of October next.

Ordered, That this Convocation be adjourned unto the Eleventh Day of October next, and this Convocation is adjourned accordingly.

Cornwall. **A**T the Convocation held at *Lostwithiell* by Adjournment the Eleventh Day of October, in the Third Year of the Reign of our Sovereign Lord James the Second, by the Grace of God King of England, &c. Annoq; Domini 1687.

There not appearing Sixteen Convocators, which are the Number that can act, and not under, the Convocation was by the Vice-Warden, by Vertue of an Order from the Lord Warden, prorogued until the Ninth Day of November following at *Lostwithiell*, and by several Prorogations continued until the Fifteenth Day of December following, at *Lostwithiell*.

At which said Fifteenth Day of December there appeared and met at *Lostwithiell* these Convocators, whose Names follow.

Blackmore.

Humphry Courtney, Esq;
Charles Trevannion, Esq;
Walter Kendall, Esq;

Tywarnhaile.

John Prideaux, Esq;
Joseph Sawle, Esq;
Henry Vincent, Esq;
Richard Bonython, Esq;
John Manley, Esq;

Foymore.

Sir John Coryton, Bart.
Sir John Moleworth, Knt.
John Speccot, Esq;
John Waddon, Esq;
Nicholas Glyn, Esq;
Penwith and Kirrier.
Sir John Carew, Bart.
William Arundell, Esq;
George Robinson, Esq;
John Penneck, Gent.

At

At this Convocation the Mayor of *Truroe* returned *John Manley*, Esq; to be a Convocator in the room of *John Arundell*, Esq; now Lord *Arundell*.

At this Convocation the Mayor of *Lanceston* returned *Nicholas Glynn*, Esq; to be a Convocator in the room of Sir *Hugh Piper* deceased.

Ordered, That the Committee formerly named by this Convocation, for the inspecting and regulating the old Laws of the Stannaries, and making new Laws, be revived; and that *Walter Kendall*, *John Waddon*, *Nicholas Glynn* and *John Manley*, Esqs; be added to the said Committee, and that any four of them be a *Quorum*, and that they make their Report to this Convocation at their next Meeting.

Ordered, That the Letter from the King's Majesty to the Lord Warden, and the Lord Warden's Letter to the Vice-Warden, to be communicated to this Convocation, and now read to this Convocation, be entred in this Book.

JAMES R.

Right trusty and right well-beloved Cousin and Counsellor, we greet you well. Whereas we have lately, by our Letters of Privy Seal, appointed and commanded You, Lord Warden of the Stannaries, to summon and call before you, in the ancient and accustomed Manner, a Parliament or Convocation of Tinnerns within our Counties of *Cornwall* and *Devon*, for reforming the Abuses of our said Stannaries, and for making such other additional new Laws as may be necessary for our Service, and the Benefit and Encouragement of our good Subjects the Tinnerns within our said Counties of *Cornwall* and *Devon*; and you have given us an Account that you have accordingly called and summoned together in each of the said Counties, a Parliament or Convocation of Tinnerns in the usual Places; and that you have revised the old, and made certain new Laws for the general Good of the Tinnerns, and reforming the said Abuses of our Stannaries, according to our Pleasure expres'd in our said Letters of Privy Seal. Our Will and Pleasure therefore is, that you do at the next Meeting of the said Parliament, or Convocation of Tinnerns, cause to be transferred to our Lords Commissioners of our Treasury, an Abstract of such new Laws as are prepared for the Good of our Stannaries as before mentioned, that we may, accordingly as we think fit, give you our Royal Consent to enact the same, as is accustomed in the like Cases. And whereas you have further presented to us several Petitions and Addresses, as well from the Body of the Tinnerns in general, as from the said Parliament or Convocation of Tinnerns in particular, representing the low Estate of the said Tinnerns, and desiring, in Compassion thereof, that we would commissionate you our said Warden to treat with the said

X

Tinnerns,

Tinners, in their Parliament or Convocation assembled in each of our said Counties, for the Farm of all the Tin arising in *Cornwall* at 3 *l.* 12 *s.* 6 *d.* *per Cent.*, and in *Devon* at 3 *l.* 15 *s.* *per Cent.* Stannary Weight, which you can truly bear us Witness: We did not only very graciously receive, but recommend the same to the Lords Commissioners of the Treasury as effectually as we could, who used all possible Endeavours, tho' without Effect, to procure Merchants to undertake the said Farm at the said Rates; but none could be found willing to engage therein at a much inferiour Price: So there being no Hopes left of proceeding in this Affair without any Merchants to our and the Country's Satisfaction, and you having then, besides your constant Sollicitations, made us some Proposals in Behalf of the said Tinners to buy the said Tin our self, and manage the Farm by our Commission; which tho' we were not willing to do, having so many great and weighty Occasions for employing our Treasury, yet out of Consideration of the constant Loyalty of our said Tinners, and out of just Compassion of their present ill Circumstances, we were graciously pleased, in Answer to your said Proposals, to declare our Pleasure in our Treasury-Chamber at *Windsor*, by our Order bearing Date the Sixteenth of *August* last, That we would be contented to advance the one half of all such Sums of Money as should be necessary to carry on the said Management in Partnership with other responsible Persons, sufficient to advance the Remainder, to be Comparters and equal Sharers in Profit and Loss, at the Rate of 3 *l.* 10 *s.* *per Cent.* Stannary Weight, for all the Tin arising in both the said Counties, it being inconvenient and impracticable, and contrary to former Farms, to give any more for the Tin in one County than the other; which Price of 3 *l.* 10 *s.* *per Cent.* Stannary Weight, we are desirous the Counties should receive for their Tin, tho' the same is a greater Price than any Merchants we can yet find are willing to contract for; however, we are still resolved to make good the same on our Part, and do hereby confirm the Power and Authority given you of treating with Merchants and others touching this Affair, as contained in the said Order of the Sixteenth of *August* last, signed by the Secretary of our Lords Commissioners of our Treasury, whereunto we refer you. But because we think it prudent, reasonable and just, before we grant you our Commission to treat with the said Parliament or Convocation of Tinners about the said Farm, as is desired, that you first signify unto us, whether the said Tinners will accept the said Price of 3 *l.* 10 *s.* *per Cent.* Stannary Weight; with our Royal Assurance, that if the said Tinners do agree unto the said Price, we will then, and not otherwise, grant unto you our Commission to treat and conclude about the said Farm accordingly.

Lastly, Our Will and Pleasure is, that you communicate the Contents hereof to the said Parliament or Convocation of Tinners in each of our said Counties, and return a positive Answer of their Resolutions to the said Lords Commissioners of our Treasury, with all convenient

convenient Speed, and you shall have our further Commands and Instructions concerning the same; and so bid you heartily farewell. Given at our Court at *Whitehall* the Twenty ninth Day of *November*, in the Third Year of our Reign.

St. JAMES's,
Dec. 7. 1687.

By his Majesty's Command.

BELLASIS,
GODOLPHIN,
DOVER,
ERULE.
STEPHEN FOX.

Sir Joseph Tredenham,

AFTER my hearty Commendations, these are to signify unto you, that I have here inclosed sent you his Majesty's Original Letter, to me counter-signed by the Lords Commissioners of the Treasury; wherein his Majesty is pleased to declare his Pleasure, and final Resolutions concerning the Stannaries, and the Tin Affair in particular, which I desire you to communicate to the Convocation or Parliament of Tinnners; by which they will understand what Progress is made in it, and that I have not been wanting in the Solicitation of that Matter, according to the Trust reposed in me. I am sorry that I could not prevail with his Majesty to give 3 *l.* 12 *s.* 6 *d.* a Hundred for the Tin, as was desired in the Address from the Convocation, having used all the Arguments I could to persuade his Majesty to it. However, I must assure you, that the Price now proposed by his Majesty, is four Shillings *per Cent.* more than any Merchant would give for the Peremption and Coinage Duty. I desire the Convocation to take his Majesty's said Letter into their Consideration, and to send me their speedy Answer, that I may be able to give the King and the Lords Commissioners of the Treasury an Account of it, as it is expected. If the Price now offered by his Majesty be acceptable and satisfactory to the Tinnners, I shall not think my Pains ill spent, and shall be ready still to contribute my Assistance; if not, they are at their own Liberty to do what they shall think most to their own Benefit and Advantage, I having done the utmost that was possible for me to do in this Affair.

As for the other Matters contained in his Majesty's Letter, I refer them likewise to the Convocation, hoping that they will not separate till they have come to a Resolution, unless they shall think it necessary to make some short Adjournment, that they may consult with the Tinnners.

I have nothing more to add at present, but my kind and due Respects to all my Worthy Countrymen the Gentlemen of the Convocation, whom I hope to have the Happiness of seeing shortly in the Country. So bidding you heartily farewell, I remain

Your very loving Friend,

BATH.

Ordered,

Ordered, That the Assistants formerly named by this Convocation be revived, and that Notice be given to them to attend this Convocation, at the next Meeting of this Convocation.

Ordered, That Notice be given to the Assistants to attend this Convocation presently.

Ordered, That Sir John Coryton, Colonel Trevannion, John Specot, Henry Vincent, and John Manley, Esqs; do go together and draw an Answer to the Lord Warden's Letter to the Vice-Warden, which was communicated by him to us.

This Convocation adjourned until to Morrow Morning Eight a Clock.

Ordered, That the Letter from the Convocation to the Lord Warden, be engrossed and entred in this Book.

My LORD,

SIR Joseph Tredenham, your Lordship's Vice-Warden, hath communicated to us assembled in Convocation held here this Day, his Majesty's gracious Letter under the Sign Manual, bearing Date at *Whitehall* the Twenty ninth of *November* last, directed to your Lordship, and likewise your Lordship's Letter directed to your said Vice-Warden; by which we are highly sensible of his Majesty's Grace and Favour to this County, and of your Lordship's extraordinary Kindness and Respect to the Tinnners, by your Lordship's great Endeavours in promoting the Tin Affair; for which, on the Behalf of our selves and the Body of the Tinnners, we humbly render unto your Lordship our hearty Acknowledgments, and pray the Continuance of your Lordship's Favour therein. And in further Pursuance of your Lordship's Directions, we have taken into our serious Consideration the Price now proposed by his Majesty for a Farm for the Tin, being 2 s. 6 d. per Cent. less than was petitioned for. We do find it necessary to consult the most considerable Adventuring Tinnners therein, and, in order thereunto, to make an Adjournment for some short Time, not doubting but that his Majesty's said Price will be gratefully accepted. And in the mean time we shall proceed to prepare such Laws as shall be necessary for his Majesty's Service, and the Good of the Tinnners of this County in general; and shall with all convenient Speed transmit an Abstract of them to your Lordship for his Majesty's Royal Consent, and remain,

My LORD,

Your Lordship's most Humble Servants.

Signed by the Convocators then present.

Ordered,

Ordered, That all Orders formerly made by this Convocation, be revived.

This Convocation is adjourned till Two a Clock in the Afternoon.

Ordered, That the Bayliffs of the several Stannaries, do summon and give notice unto the several Persons, in their several Precepts to them directed, that they appear and attend this Convocation on *Monday* next by Ten of the Clock in the Morning, and that notice be given to all the Convocators that are absent, that they attend at the same time.

This Convocation is adjourned unto Monday next, Ten a Clock in the Forenoon

Monday the 19th of December, 1687.

The Assistants heretofore named by this Convocation came this Day, and unanimously agreed to accept of the Price proposed by his Majesty for the Tin, being 3 *l.* 10 *s.* *per Cent.* Stannary-Weight, and desired this Convocation that they would conclude with his Majesty at that Price, and for what Time this Convocation should think fit.

Ordered, That the Price of 3 *l.* 10 *s.* *per Cent.* Stannary Weight, proposed to be given by his Majesty for the Tin, be accepted as a reasonable Price by this Convocation; and that there be a Letter sent to the Lord Warden, to acquaint his Lordship of the Resolution of this Convocation, and that this Convocation are ready to treat with such Persons as his Majesty shall think fit.

Ordered, That Sir *John Carew*, Colonel *Trevannion*, *John Speccot*, *Henry Vincent*, and *John Manley*, do draw a Letter to send to the Lord Warden, to acquaint him of the Resolution of this Convocation, relating to his Majesty's Letter and the Lord Warden's, about the Price of 3 *l.* 10 *s.* *per Cent.* for the Tin.

This Convocation is adjourned for Half an Hour.

Ordered, That the Letter reported by the Committee to the Lord Warden, be forthwith ingrossed and entred in this Book.

This Convocation is adjourned for Half an Hour.

*My LORD,**Loftwithiel, Dec. 19. 1687.*

PUrsuant to our last Adjournment, we being this Day met in Convocation, have received the unanimous Consent, as well of the Assistants by us appointed to attend this Service, as also of diverse other principal Adventuring Tinnners, to accept of the Price graciously proposed by his Majesty, being 3 *l.* 10 *s.* *per Cent.* Stan-nary Weight, for the Farm of the Tin of this County; and being very sensible of his Majesty's great Goodness to the Tinnners in his said Offer, we do humbly desire your Lordship, that you would be pleased to assure his Majesty, that we do chearfully, for our selves and the whole Body of the Tinnners, accept of his Majesty's said Price: And this being the Business of greatest Weight before us, which we hope is thus far advanced to his Majesty's Satisfaction, but wherein we cannot further proceed without knowing his Ma-jesty's further Pleasure, we do find it necessary to adjourn unto the Fourteenth Day of *February* next, at which time we hope to perfect such Laws as your Lordship may think worthy to be presented for his Majesty's Royal Consent, and do humbly beg your Lordship's Directions how we may be further serviceable to his Majesty, and such farther Commands as your Lordship shall think requisite in relation to this Affair. Thus desiring your Lordship's Acceptance of our humble and hearty Thanks for your Lordship's particular and great Favour to the Tinnners, and this whole County, we do remain

Your LORDSHIP's most Humble Servants,

Signed by all the Convo-
cators then present.

This Convocation is adjourned unto the Fourteenth of February next, at Loftwithiel.

Cornwall. **A**T the Convocation held at *Loftwithiel* by Adjourn-ment the Fourteenth Day of *February*, in the Fourth Year of the Reign of our Sovereign Lord *James II.* by the Grace of God King of *England, &c. Annoq; Domini, 1687.*

There not appearing Sixteen of the Convocators, the Convo-cation was prorogued by the Vice Warden unto the Twenty eighth of this Instant *February*; and this Convocation was prorogued accordingly.

Cornwall.

Cornwall. **A**T the Convocation held at *Loftwithiel*, by Prorogation the Twenty eighth Day of *February*, in the Fourth Year of the Reign of our Sovereign Lord *James the Second*, by the Grace of God King of *England, &c.* Annoq; Domini 1687.

Then appeared for

Blackmore,		Foymore.	
<i>Humphry Courtney,</i>	} Esqs;	<i>John Coryton, Bart.</i>	} Esqs;
<i>Charles Trevannion,</i>		<i>John Molesworth, Knt.</i>	
<i>Walter Kendall,</i>		<i>Sir Bouchier Wrey, Bart.</i>	
<i>Jonathan Rashleigh,</i>		<i>John Speccot,</i>	
<i>John Tanner,</i>		<i>Nicholas Glyn,</i>	
		<i>John Wadden,</i>	
Tywarnhaile.		Penwith and Kirrier.	
<i>John Prideaux,</i>	} Esqs;	<i>Sir John Carew, Bart.</i>	} Esqs;
<i>Joseph Sawle,</i>		<i>Humphry Borlase,</i>	
<i>Richard Bonython,</i>		<i>Richard Hoblyn,</i>	
<i>John Manley,</i>		<i>George Robinson,</i>	
		<i>John Penneck, Gent.</i>	

Humphry Borlase, Esq; is elected and returned by the Mayor of *Helstone* and his Council, to serve in this Convocation in the Place of *Sir John St. Ambryn, Bart.* deceased.

Ordered, That the Vice Warden be acquainted by the Chairman of this Convocation, that *Hendrick Roberts, Esq;* one of the Members of this Convocation, is dead, and that a new one may be elected in his Place.

Ordered, That *Humphry Borlase, Esq;* *Walter Kendall, Nicholas Glyn, John Waddon, Richard Hoblyn, John Manley, George Robinson, Esqs;* and *John Penneck, Gent.* and as many others of the Convocators as will be present, or any three of them, do inspect the Laws of the Stannaries, and report them to this Convocation.

This Convocation is adjourned till Seven a Clock to morrow Morning.

29th of *February*, 1687.

This Convocation is adjourned till Six of the Clock this Evening.

This Convocation is adjourned until to morrow Seven of the Clock in the Morning.

Thursday,

Thursday the 1st of March, 1687.

Ordered, That Sir Bouchier Wrey, Sir John Carew, Sir John Moleworth, Humphry Borlase, Humphry Courtney, Esqs; do wait on the Lord Warden, and deliver a Copy of his Majesty's Letter to his Lordship, and do return the Thanks of this Convocation to his Lordship, for his Lordship's Speech, and his Lordship's great Care and Pains which his Lordship hath taken for the Welfare of the Tinnars.

And then this Convocation adjourn'd till Three a Clock this Afternoon.

This Day John Tanner, Esq; was returned by the Mayor and Council of Lofwithiell, to serve as a Convocator for the Stannary of Blackmore, in the Place of Hendrick Roberts, Esq; deceased.

J A M E S R.

Right trusty and right well-beloved Cousin and Counsellor, we greet you well. Our Will and Pleasure is, that you repair with all Conveniency into *Cornwall* and *Devonshire*, about the Affairs of our Stannaries, as well as to dispatch those other Things relating to our Service within your Lieutenancy. When you arrive there, you are, as Lord Warden of our said Stannaries, at your first meeting of the Convocation or Parliament of Tinnars, assembled in both the said Counties, to declare in our Name, how well pleased and satisfied we are with their speedy and effectual Return, and especially with their unanimous and general Consent, in Answer to our gracious Letter directed to you, of the Twenty ninth of *November* last, concerning the Price we were willing the Tinnars should have for their Tin, of 3 *l. 10s. per Cent.* which we do hereby confirm again on our Part: But because so great an Undertaking doth not only require a considerable Sum of Money to carry on so great a Farm, but also other due and serious Considerations, it is possible we may not be ready so soon as this next Coinage; however, you may assure our good Subjects the said Tinnars, that we are positively resolved to proceed therein upon the said Price, either by way of Management by our Commission, or otherwise by Farmers, with all possible Speed we may, wherein all due Care shall be taken for the just Payment of the said Tinnars according to the agreed Price. In the mean time you are to finish those Laws so long preparing for the Good of our Stannaries, and to pass them into Acts with our Royal Assent in the usual and accustomed Manner, reserving still unto us Power of approving or disapproving them, or any of them, when they shall be presented to us for our Confirmation, all which we do recommend to your wonted Care and prudent Conduct; and so we bid you heartily farewell. Given at our Court at *Whitehall*, the Third Day of *February*, in the Third Year of our Reign.

By his Majesty's Command.

GODOLPHIN, DOVER, ERULE.

To the right Trusty and well-beloved Cousin and Counsellor, John Earl of Bath, Lord Warden of our Stannaries.

Ordered,

Ordered, That the King's Majesty's Letter to the Lord Warden be entred in this Book.

This Convocation is adjourned till to morrow Ten of the Clock.

Friday, March 2, 1687.

Ordered, That the Thanks of this Convocation be returned to the Lord Warden in Writing, for his Lordship's great Care and Pains in the Tin Affair.

Ordered, That Sir Bouchier Wrey, Sir John Carew, Sir John Moleworth, Humphry Courtney, Jonathan Raffleigh, Richard Hoblyn, and John Manley, Esqs; do draw up an Addrets of Thanks to the Lord Warden.

To the Right Honourable John Earl of Bath, Lord Warden of the Stannaries of Cornwall, the A D D R E S S of the Convocation, or Parliament of Tinnars, assembled at Lostwithiel the 28th Day of February, in the Third Year of his Majesty's Reign.

YOUR Lordship having been pleased to communicate to us his Majesty's Letter, importing his Majesty's constant Royal Goodness and Bounty to the Tinnars of this County, do find fresh Occasion to be sensible of your Lordship's great Care and Pains on the Behalf of the Body of the Tinnars, for their Benefit and great Advantage; and do thereupon judge it our Duty, on the Behalf of the Tinnars and our selves, to return your Lordship our most hearty Thanks and Acknowledgments, for your Care and fatiguable Endeavours, not doubting of the Continuance thereof. We are,

My LORD,

*Signed by all the
Convocators
then present.*

Your Lordship's most Humble Servants.

This Convocation is adjourned until to morrow Eight of the Clock in the Morning.

Saturday, 3tio Martii, 1687, then present.

Blackmore.

Humphry Courtney, Esq;
Sir John Arundell, Knt.
Charles Trevannion, Esq;
Walter Kendall, Esq;
Jonathan Rasbleigh, Esq;
John Tanner, Esq;

Tywarnhaile.

Sir R. Edgcombe, Knt. of the Bath.
John Prideaux, Esq;
Joseph Sawle, Esq;
Henry Vincent, Esq;
Richard Bonython, Esq;
John Manley, Esq;

Foymore.

Sir Bouchier Wrey, Bart.
Sir John Coryton, Bart.
Sir John Molesworth, Knt.
John Speccot, Esq;
Nicholas Glynn, Esq;
John Waddon, Esq;

Penwith and Kirrier.

Sir John Carew, Bart.
Humphry Borlase, Esq;
William Arundell, Esq;
Richard Hoblyn, Esq;
George Robinson, Esq;
John Penneck, Gent.

This Convocation doth agree and declare, *Nemine contradicente*, that the Property of the Tin is in the Tinnars.

This Convocation doth adjourn till Two a Clock this Afternoon.

Ordered, That the Money raised for defraying of the necessary Charges of the Clerks, and other necessary Charges of this Convocation, and for the raising thereof, Sixpence upon every Hundred Weight of Tin, that shall be coined at our *Lady-Day* Coinage next, shall be paid by the Owners of the said Tin to the Receiver General of the Dutchy of Cornwall, or his Deputy, who is desired to receive the same, and to pay the same as this Convocation, or any Sixteen of them, shall appoint and direct.

Ordered, That the Thanks of this Convocation be returned to Mr. *Nixon*, the Lord Warden's Chaplain, for his great Pains which he hath taken about the Tin Affair, and that a Present of Forty Guineas be presented to him by this Convocation.

Ordered, That the Paper presented by Mr. *Hoblyn* and Mr. *Manley* to this Convocation, for the Head or Title of the new Laws, be fairly written and added to the said Laws.

Ordered, That Sir John Carew, Humphry Borlase, Humphry Courtney, Walter Kendall, John Manley, George Robinson, Sir John Molesworth, Richard Bonython, Nicholas Glynn, or any two of them, do examine the Papers that are to be presented to the Lord Warden for to be made into Laws, and to present them to his Lordship accordingly.

Ordered, That this Convocation be adjourned unto the Seventeenth Day of this Instant *March*, at Mr. *Charles Bligh's* House in *Launceston*, and that all the Members of the Convocation do attend at that Time. *And this Convocation is adjourned accordingly.*

Cornwall.

Cornwall. **A**T the Convocation held at *Launceston* by Adjournment from *Loftwithiel* the Seventeenth Day of *March* in the Fourth Year of the Reign of our Sovereign Lord *James* the Second, by the Grace of God King of *England*, &c. *Annoq; Domini 1687.*

This Convocation is adjourned for one Quarter of an Hour.

Ordered, That *Sir Bouchier Wrey*, *Sir John Carew*, *Humphry Borlase*, *Sir John Molesworth*, *Humphry Courtney*, *John Speccot*, *Walter Kendall*, *Jonathan Rashleigh*, *Richard Hoblyn* and *John Manley*, or any three of them, do inspect and present these Papers that are now amended by this Convocation and read unto them, unto the Lord Warden.

Ordered, That the Petition brought in by *John Pollard*, Esq; be left on the Table.

This Convocation is adjourned to Monday next, Ten of the Clock in the Forenoon, at Mr. Charles Bligh's House in Launceston.

Monday the 19th of March, 1687.

Ordered, That the Amendments made by the Committee of the Papers delivered by the Right Honourable the Lord Warden, do stand as they are amended.

Cornwall. **A**T the Convocation held at *Loftwithiel* by Adjournment the Twelfth Day of *June*, in the Fourth Year of the Reign of our Sovereign Lord *James* the Second, by the Grace of God, King over *England*, &c. *Annoq; Domini 1688.*

This Convocation, for want of the Appearance of Sixteen of the Convocators, was by the Vice-Warden, in Obedience to the Lord Warden's Letter, adjourned and prorogued unto the Twenty first Day of this Instant June, at Loftwithiel.

Which Letter follows in these Words.

Sir Joseph Tredenham,

AFTER my Commendations, these are to signify unto you his Majesty's Pleasure, that the Convocation, or Parliament of *Tinners*, adjourn unto the Twenty first Day of this Instant *June*, and in case there should not be a sufficient Number of *Stannators* present to make an Adjournment, then you are hereby authorized and required to prorogue the said Convocation, or Parliament of *Tinners*, unto the said Twenty first Day of this Instant *June*, as aforesaid; and so I bid you heartily farewell, and remain

Your very Loving Friend,

B A T H.

My

My LORD,

SIR Joseph Tredenham having communicated to us your Lordship's Letter to him, dated at St. James's the Fifth of the last Month, and this being the first Opportunity we have since had, we do humbly beg your Lordship's Acceptance of our due Acknowledgments for your generous and constant Favours to this County, and particularly to our selves; and especially, that your Lordship was pleased so truly to represent our Duty to his Majesty, in Loyalty to whom we shall ever strive to follow your Lordship's noble Example; esteeming it our greatest Honour, as well as Happiness, to serve his Majesty upon the same Bottom of Loyalty with your Lordship, according to the Principle of the Church of England as by Law established. We remain,

My LORD,

Your Lordship's most Humble Servants.

Cornwall. AT the Convocation held at *Loftwithiel* by Prorogation the Twenty first Day of *June*, in the Fourth Year of the Reign of our Sovereign Lord *James the Second*, King of England, &c. Annoq; Domini 1688.

This Convocation was by the Vice-Warden, for the Want of Sixteen Convocators Appearance, adjourned and prorogued unto the Sixth Day of July at Loftwithiel.

Cornwall. AT the Convocation held at *Loftwithiel* by Prorogation and Adjournment the Seventeenth Day of *July*, in the Fourth Year of the Reign of our Sovereign Lord *James the Second*, by the Grace of God King of England, &c. Annoq; Domini 1688.

Then appeared for

Blackmore,

Humphry Courtney,
Charles Trevannion,
Walter Kendall,
Jonathan Rashleigh, } Esqs;

Tywarnhaile.

John Prideaux,
John Vyvyan,
Joseph Sawle,
Henry Vincent,
Richard Bonython,
John Manley, } Esqs;

Foymore,

Sir John Molesworth, Knt.
John Speccot, Esq;
Nicholas Glynn, Esq;
John Waddon, Esq;

Penwith and Kirrier.

Sir John Carew, Bart.
Richard Hoblyn, Esq;
George Robinson, Esq;

At

At this Convocation the Mayor of *Truroe* returned *John Vyvyan*, Esq; to serve as a Convocator in the Stead of *Sir Richard Edgcombe* deceased.

Ordered, That the Lord Warden's Letter of the Eighteenth of *June* last; and the Articles of Agreement between the Lords Commissioners of the Treasury and the Lord Warden, bearing Date the Fourteenth of *July* instant, be entred in this Book.

Gentlemen,

St. James, June 18, 1688:

AFTER so many Adjournments and Prorogations without any Effect, you may reasonably expect some particular Account of our Transactions here, concerning the Tin Farm, which I shall readily do for your Satisfaction, as well as my own Vindication. The Truth is, at my Return from *Cornwall* in *April* last, I found a total Stop put to the whole Affair, insomuch that I did almost despair of ever compassing a Farm; for the Merchants that had bid fair, were fallen off, and the Lords Commissioners of the Treasury did not think fit to advise the King to lay out so great a Sum of Money upon it, so many great and important Occasions daily arising to employ his Majesty's Treasure. Nevertheless, tho' I found such a general Coldness and Indifferency in all People, I did resolve once more to take fresh Courage, and to give new Life to it, if I could, according to my repeated Promises, that I would use my utmost Endeavours to serve our Countrymen, in a Matter that I did conceive would be so beneficial to them, and to which I found them so much inclined; and therefore I sought about with all Diligence for some new Undertaker, in which Search I met with greater Difficulty than I did before, the thing having been deserted by some, and blown upon by others; some of which I found since to have been set on work industriously by certain self-interested Persons, on purpose to blast our Designs, and to render your Endeavours, as well as mine, ineffectual. But at last I met with a Society of Merchants that are willing to come up to his Majesty's Terms, and the County's Price of 3 *l.* 10 *s.* per Cent. Stannary Weight; and they are Men of such Substance and Ability, that there can be no just Exceptions made against them. And here I must take the Liberty to inform you, that this Matter was managed with all the Care and Conduct I could use, wherein I was only concerned, which had like to have ruined the whole Business. The Things the Undertakers required, utterly refusing to adventure at all in the Farm, except they were granted, were, *First*, That I should treat and contract for them, concealing their Names till all Things were agreed; *Secondly*, That I should engage my self with them in the Farm. To the first of these I did readily consent; and tho' I was thereby engaged in all the Sollicitations singly by my self, yet I thought no Pains too great for the Benefit and Service of our Country: But as to the second, I must confess I was very unwilling to engage my
A 2 self,

self, by reason of the Hazard and Trouble that must necessarily attend a Matter of that Nature, and being totally unacquainted with the Methods and Dealings of Merchants: But finding a Necessity of doing it, or else the Farm would be inevitably lost, I was prevailed with, meerly upon that Consideration, and the Love I bear to my Country, to be obliged with them; which, I hope, will serve to convince my Countrymen, that I did not resolve to convince them in Word only, and also that I am very well assured of the Ability of the Gentlemen, otherwise I should not so far have engaged my self with them. Thus you see I have left no Stone unturned to serve the Tanners, but have been constant to my Promises, however I have been sometimes misrepresented; and now I can acquaint you, that an Agreement is made for the Farm, and a mutual Contract signed, and there wants nothing but the Drawing and Ingrossing the Patents and Instruments, for sealing and compleating the whole Matter; and, it being one of the Articles of Agreement, that the Farm must begin at *Midsummer*, including *Midsummer* Coinage, it becomes necessary to adjourn the said Coinage for some short time, till the Patent be sealed, and the Farmers can transmit Money; but the Adjournment is as short as possible, that the poor sort of Tanners may not be long deprived of making the best Advantage of their Tin; and there should have been no Adjournment at all, could there have been any other Expedient found out for the finishing this Affair for the Good of the Tanners. Thus I have given you a full and true Relation how this Business has been carried on, by which you will see there have been no Endeavours wanting on my part to promote it, as the Bearer hereof, Mr. *Nixon*, whom I have sent express to you, can assure you more largely by Word of Mouth, who hath been all along an Eye-witness of it. So hoping that my Pains herein may prove as beneficial to our Countrymen in general, as they have been really so intended by me, I remain,

Gentlemen,

Your very Affectionate Friend to serve you,

BATH.

ARTICLES

ARTICLES of Agreement indented, concluded and made the Twelfth Day of June, 1688, between the Right Honourable John Lord Bellasis, Sidney Lord Godolphin, Henry Lord Dover, Sir John Erule, Kt. and Sir Stephen Fox, Kt, Commissioners of his Majesty's Treasury, for, and on the Behalf of his Majesty, and pursuant to his Command, of the one Part; and the Right Honourable John Earl of Bath, Lord Warden of the Stannaries, for and on the Behalf of himself and Partners, of the other Part.

THE said John Earl of Bath, for himself, his Heirs, Executors and Administrators, doth covenant, promise, and grant, to and with the said John Lord Bellasis, Sidney Lord Godolphin, Henry Lord Dover, Sir John Erule, and Sir Stephen Fox, and every of them, their, and every of their Executors and Administrators, by these Presents, that he the said John, Earl of Bath, and his Partners, who shall by his Procurement undertake with him in this Affair, the Survivor or Survivors of them, their Executors, Administrators, and Assigns, at their own proper Costs and Charges, shall and will from time to time buy and take all the Tin that shall be raised in the Stannaries of Cornwall and Devon, for eleven Years, to commence from the Twenty fourth of June instant, including the Tin that shall be coined at the next *Midsummer* Coinage, and to pay to the respective Tinnors, or their Assigns, for all the said Tin, 3*l.* 10*s.* per Cent. Stannary Weight, or after that Rate for greater or lesser Quantities, according to his Majesty's gracious Promise made to the said Tinnors; and shall and will also pay, or cause to be paid unto the King's most Excellent Majesty, his Heirs and Successors, into the Receipt of the *Exchequer*, or to the Receiver General of the Dutchy of Cornwall for the Time being, for a Farm to be granted to them under the Great Seal of England for the said Term of Eleven Years, of the sole Peremption of Tin, and of the Duty commonly called the Coinage Duty, viz. Four Shillings for every Hundred of Tin, which within the same time shall be coined within the Stannaries of Cornwall and Devon, including the said Coinage Duty for the Tin that shall be coined at next *Midsummer* Coinage, and excluding the said Duty for the Tin which shall be coined at *Midsummer* Coinage, 1699; and also of the sole Privilege of making Pence, Half-pence and Farthings of Tin, to pass throughout all his Majesty's Dominions, free of all Customs and other Duties whatsoever, for such Pence, Half-pence and Farthings, as shall be *Bona Fide* coined to pass for Money, and be exported only for that Purpose, the yearly Rent of 1600*l.* at two equal Payments in the Year, viz. *Christmas* and *Midsummer*, by equal Proportions, or within Twenty eight Days after each Feast; and shall and will cause the last half Year's Rent to be advanced and paid before hand; to wit, before the 29th Day of September next; and that he the said Earl of Bath, shall and will procure and nominate Persons of sufficient Ability, and such as shall be

be approved of by the said Lords Commissioners of his Majesty's Treasury, to accept such Farm of the Premises, and to enter into the Covenants and Agreements for Payment of the said Rent to his Majesty, and such other Covenants, to be inserted on the Part of the Farmers, as are herein after mentioned, *viz.* A Covenant that the Coinages of Tin may be continued as often as now they are used; That the Farmers, or their Agents, shall not, during the Term, sell any of their Tin in *London* for a greater Price than Five Pounds *per* Hundred, according to the Hundred Weight of Tin used in the City; unless his Majesty at any time or times shall think fit to allow them to sell their Tin there at a higher Price, or Prices; That the Pence, Halfpence, and Farthings to be coined by the said Farmers, shall be of such Value, that the very Tin whereof the said Pence, Halfpence and Farthings shall be made, shall be worth the same Money as they pass for in all Places throughout his Majesty's Dominions, excepting only the Allowance of 2 *d.* *per* Pound for the Coinage; That the said Farmers shall not in any one of the first three Years of the said Term, coin more Pence, Halfpence and Farthings, than shall amount to (by Tale) 10000 *l.* Sterling, without his Majesty's Leave, nor shall after the said three Years, during the then Residue of the said Term, without the Leave of his Majesty, his Heirs or Successors, to be first had and obtained, coin more than that Sum yearly, and such other Covenants as are usual in Grants of the like Nature, and shall be reasonably and legally advised by his Majesty's learned Council. And the said Lords Commissioners of his Majesty's Treasury, are pleased to agree with the said Earl of *Bath*, that they the said Lords Commissioners, in case such sufficient Persons as aforesaid, to their good liking, be proposed and offered themselves, before the Nineteenth Day of *June* instant, to enter into a Farm, and contract as aforesaid, shall and will do their best Endeavours to obtain from his Majesty, under the Great Seal of *England*, all the Costs and Charges of the said Earl and his Partners, sufficient Letters Patents for demising and granting to the said Earl of *Bath*, and such sufficient Persons as aforesaid, the said Peremption, Coinage Duty, and sole Privilege of making Pence, Halfpence and Farthings, of such Value as aforesaid, at the yearly Rent before mentioned, to be payable as aforesaid, with half Year's Advance as is before mentioned; and also a Commission under the Great Seal of *England*, for authorizing them, or any of them, or any other Persons whom they shall nominate to be Commissioners, that they may with a better Authority act as his Majesty's Commissioners, as well as Farmers, in the Management of the said Farm, but without any Expence or Charge to his Majesty; and that a Clause may be inserted on his Majesty's Part, that if after the End of the three first Years of the said Term, the Farmers or Undertakers aforesaid shall make it appear to his Majesty, his Heirs or Successors, by the Accounts of their own Undertakings, that the same cannot be then carried on without Loss, unless his Majesty, his Heirs or Successors, will then be pleased to allow them a further Liberty of Coinage of Pence, Halfpence, or Farthings, beyond

beyond 10000 *l. per Annum*, but not to exceed 30000 *l. per Annum*; then his Majesty, his Heirs or Successors, shall either be graciously pleased to allow them that further Liberty of Coining, or else from thenceforth, upon the Application and humble Petition of the said Farmers, release them from their Contract, which shall remain to be performed for the then Residue of the said Term; and that such other Articles may be inserted therein, by the Advice of his Majesty's learned Council, as may conduce to the Well-being of the said Farm, and may be necessary for such an Undertaking. In Witness whereof, the Parties to these Presents have hereunto interchangeably set their Hands and Seals the Day and Year abovesaid.

<p><i>Sealed and delivered by</i> <i>the Right Honourable</i> Sidney Lord Godolphin, Henry Lord Dover, Sir John Erule, and Sir Stephen Fox, in Presence of</p>	<p>Henry Guy, William Lownder.</p>	<p>GODOLPHIN, DOVER, ERULE, FOX.</p>
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Ordered, That an Answer be returned to the Lord Warden's Letter of the Eighteenth of *June* last, and the Fourteenth of *July* instant; and that Sir *John Carew*, Colonel *Trevannion*, Mr. *Courtney*, Mr. *Hoblyn*, Mr. *Vincent*, and Mr. *Manley* do draw the said Answer.

This Convocation is adjourned till Two a Clock in the Afternoon.

Gentlemen, St. James's, July 14, 1688.

IN my last of the Eighteenth past, I gave you an Account what Difficulties had been overcome, what Pains had been taken, in the Tin Affair, and how near it was brought to a Conclusion; and that you may see I dealt clearly with you, I sent an attested Copy of the Articles which were agreed on; and, lest they should miscarry by the common Post, I sent Mr. *Nixon* express with them, as I do now with these, with Instructions to inform you of Particulars, too long for a Letter.

But by reason of the small Appearance at the last Meeting, I could receive no Answer either to the Letter or Articles, I presume therefore that this short Prorogation was made on purpose that you might have an Opportunity to consider of what was then written, after you had seen how it relished with the Tinnors, and that you might adjust all Measures against my coming down, which I did intimate should be about the beginning of *August*, to which Time the Coinage is adjourned, that there might not be any Room for any Contest or new Difference prejudicial to the Tinnors. But I am surprized, having since heard of some Dissatisfactions and Jealousies sprung up among some of the Tinnors, which I could not expect; particularly, that they should imagine their Rights invaded by this short Adjournment of the Coinage, which was done merely

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for

for their Advantage, and was so absolutely necessary, that without it there could be no Farm.

Indeed if this Coinage, which is a free Coinage, had been pretended to have been taken away, there had been just Reason for complaining; but to make a short Adjournment of it, you know, is in the Power even of the inferior Officers of the Coinage, if they see Reason for it; much more is it his Majesty's Prerogative, especially on such an emergent Occasion as this is. Some other Colours and Pretences I have heard, which I shall not stand to recite, though they have cast some Damp upon the Undertakers; and, had it been in their Power, (which I took Care to prevent) would perhaps have dissolved the Contract. I must confess, I look upon these Surmises to arise from such only, whose private Interest renders them disaffected to the Farm.

But if this, I hear, be the Judgment of the whole Convocation, if this be now the universal Sense of the Tinnners; if the Farm which was so generally desired and petitioned for, be now thought really prejudicial, far be it from me to proceed further in it.

Nothing but the publick Good of our Country, and his Majesty's Service, could make me to ingage in it so far as I have done already, with so much Trouble, Hazard, and Inconveniencies to my self, as I mentioned to you in my last Letter, to which I refer you; I therefore desire a full Answer to all those Particulars, touching which I shall be glad to receive and know the Mind of the Tinnners before the Seal be put to the Commission, to impower me to conclude with you in their Behalf, and the Patents pass'd for the Farmers, which are the only things remain to be done here.

I cannot but observe to you, that if this Opportunity be lost, the King will take new Measures, and all Expectations of this Nature, relating to a Farm, hereafter will be in vain. When the present Undertakers are discouraged and taken off, the poor Tinnners will then be for ever condemned, I fear, to work in the Mines, and the Merchants carry away the Profits of their Labours, as they have done formerly, and use them at their Pleasure, when they lie at their Mercy, as by sad Experience foreseen on the like Occasion, offered in his late Majesty's Reign, for which I shall be most heartily sorry, but it will then be no longer in my Power to remedy.

These things I recommend to your serious Considerations, which so nearly concern the Welfare, and almost the very Being of the Tinnners, according to which I shall proceed.

And if you shall think fit, as you have done formerly, and as ye yet really do, that the settled Price of 3*l.* 10*s.* per Cent. Stannary Weight, will in this Juncture be a Benefit and Encouragement to the Tinnners, and be still acceptable to them, I shall then not only take Satisfaction in my past Trouble and Pains, but contribute my utmost Endeavours for the speedy Dispatch of this Affair hereabove, with his Majesty and the Lords Commissioners of the Treasury, and after that hasten down into the Country, that with your Concurrency we may confirm and establish a Thing which is intended, and in all Probability will prove, as I hope, to the great Advantage and

Benefit

Benefit, not only of the Tinnars, but of the whole County in general; assuring you, in all these Transactions I have been as careful as I could to preserve all the just Rights and Privileges of the Tinnars, not suffering any thing to be offered or pretended to be binding to the Tinnars, without the Advice and Consent of their Convocation: And that this short Adjournment of this present Coinage might be made as easy as possible, I have taken Order with the Merchants that are Undertakers for the same, forthwith to remit Money into the Country to supply the pressing Necessities of the poor Tinnars, which I hope you will find to be effectually done accordingly. I am,

Gentlemen,

Your most Affectionate Friend to serve you,

For his Majesty's Service.

BATH.

For Sir Joseph Tredenham, Knt. Vice-Warden of his Majesty's Stannaries of Cornwall, to be communicated to the Convocation or Parliament of Tinnars at Lostwithiel.

Lostwithiel, the 17th of July, 1688.

YOUR Lordship's Letters of the Eighteenth of June, and the Fourteenth of this Instant July, together with the Articles concerning the Farm of the Tin, have been communicated to us by your Vice Warden; and we return your Lordship our very hearty Thanks for the great Care and Pains your Lordship hath been pleased to take for the Good and Benefit of the Tinnars, and the Country in general, in the Conduct of the Business of the Farm, under so many Discouragements and Difficulties your Lordship hath met with therein: And as to the Particulars mentioned in your Lordship's said Letters which concern us, we still continue our Resolutions to accept of the Price of 3 l. 10 s. as formerly was consented; and we do find, that the Body of the Tinnars are well satisfied therewith; only the Wants of the poorer sort of Tinnars have induced them to some Murmurings, in relation to the Adjournment of this Coinage, whereby they want the usual Supplies of Money which at this Time they expected. We have not heard, before your Lordship's Letter came, of any Supplies provided for the poorer sort of Tinnars during this Adjournment, which we desire your Lordship would hasten. We are of Opinion, that the said Coinage, by the Laws and Customs of the Stannaries, and the Rights and Privileges of the Tinnars, can in no Case be adjourned, as long as there is Tin to be coined; and therefore we hope that Adjournment will be no President for the future. We shall adjourn our selves to the last Day of this Instant July, so as to be ready to attend your Lordship at your coming into this County, in order to settle and perfect a Bargain for the Farm of such Tin, and on such Terms as shall be then

then agreed on; and we do pray the Continuance of your Lordship's Favour in the Settlement of the Laws of the Stannaries, and the Rights of the Tinnars. We remain,

My LORD,

Signed by all the
Convocators.

Your Lordship's most Humble Servants.

Ordered, That the Letter now read, which is to be sent to the Lord Warden, be entred in this Book.

This Convocation doth agree and declare, *Nemine contradicente*, that the Adjournment of the last *Midsummer* Coinage, is contrary to the undoubted Rights of the Tinnars.

Ordered, That Forty Guineas be paid Mr. *Thomas Nixon*, out of the Money raised by this Convocation at 6 *d.* per Hundred, and received by the Receiver General of the Dutchy of Cornwall.

Ordered, That Thirty Pounds be paid by the Receiver General of the Dutchy of Cornwall, or his Deputy, to Mr. *Bernard Kendall*, Mr. *Thomas Horwell*, and Mr. *Thomas Pearce*; and that the Receiver General of the Dutchy of Cornwall, or his Deputy, do attend this Convocation at *Loftwithiel*, on the last Day of this Instant July, at *Loftwithiel*.

This Convocation is adjourned unto the last Day of this Instant July, at Loftwithiel.

Cornwall. **A**T the Convocation held at *Loftwithiel* by Adjournment the last Day of July in the Fourth Year of the Reign of our Sovereign Lord *James the Second*, by the Grace of God King of *England, &c.* Annoq; Domini 1688.

For want of the Appearance of Sixteen Convocators, the Vice-Warden, by the Lord Warden's Order, prorogued this Convocation to the Sixth Day of September next, at Loftwithiel.

Which Order follows.

St. James's, July 22, 1688.

IN my last I promised, that by this Post you should have a further Account what Measures were intended to be taken in the Tin Affair, with full Instructions concerning the next Prorogation of the Convocation or Parliament of Tinnars, which I now send you accordingly, by Express from Major *Hooke* of *Plymouth*.

The Case in brief stands thus; You know, that by reason of those Murmurings and Jealousies that came to my Ears, it was necessary that before I proceeded any farther, I should know the

Sense and Judgment of the Tanners in general, which I did receive in a Letter from the Convocation by Mr. *Nixon*, with as great Speed as I could possibly expect; yet there is so little Time left me to turn in, the Coinage coming on so very fast, that 'tis impossible to compleat and finish every thing by that time. I find no new Difficulties to arise from the thing it self on any hand; but the Court being now removed to *Windsor*, and the Lords Commissioners of the Treasury having adjourned for Ten Days, the Progress must needs be slower, and the Accomplishment require longer Time than our present Circumstances will allow; however, I shall take Care to see that done which is most necessary to be done, viz. I will take as effectual Orders as I can, that some of the Farmers shall come down against the Coinage, with a sufficient Fund of ready Money, to take off all the Tin that shall be coined at the Farm Price, according to the Articles, which having been mutually consented to and accepted of, must oblige all Persons, till the Patents and Commissions can be perfected and sealed.

This, I doubt not, will convince the County, that his Majesty is in earnest, and I hope will be so far from meeting with any Opposition or Difficulty, that it will be to the general Satisfaction; especially having so lately received the Opinion of the Convocation in their last said Letter, how acceptable a Farm will be to the Tanners of *Cornwall*.

It has cost me no small Pains to get speedy Supplies remitted into the Country, to make this present Adjournment of the Coinage as easy as possible to the poor Tanners; and you may assure my Countrymen, that what was now done of Necessity shall never be drawn into a Precedent for the future, to the Prejudice of the Tanners; it having been, and shall continue to be, my Study to preserve the Rights and Privileges of the Stannaries, free from Invasions and Incroachments, resolving to do nothing that shall bind them, without the Advice and Consent of their Convocation.

I shall endeavour with all Speed to get my Commission to treat and conclude with the Convocation, the Farmers Patent and the Stannary-Laws all perfected, so that one Journey more, I hope, will fix this great Concern, which has been so long depending, and put a Period to the frequent Troubles it has given you and the rest of the Gentlemen of the Convocation. In the mean time, it is his Majesty's Pleasure that you prorogue the said Convocation from the last Day of this instant *July* to the sixth Day of *September*, which will be betwixt the two Coinages; so that if any thing appear fit to be redressed on either Side in this Coinage, it may be considered and amended by the Convocation against the next. I remain,

S. M. R.
Your most Affectionate Friend,
BATH.

For Sir Joseph Tredenham, Vice-Warden
of the Stannaries of Cornwall:

JAMES

Cc

Cornwall.

Cornwall. **A**T the Convocation held at *Loftwithiel* by Adjournment the Sixth Day of *September* in the Fourth Year of the Reign of our Sovereign Lord *James* the Second, by the Grace of God King of *England*, &c. 1688.

This Convocation was prorogued by the Vice-Warden to the Twentieth Day of this Instant September, at Loftwithiel.

Cornwall. **A**T the Convocation held at *Loftwithiel* by Prorogation, the Twentieth Day of *September*, in the Fourth Year of the Reign of our Sovereign Lord *James* the Second, by the Grace of God King of *England*, &c. Anno; Domini 1688.

Blackmore.

Charles Trevannion,
Humphry Courtney,
Walter Kendall,
Jonathan Rashleigh,
John Tanner,

Esqs;

Tywarnhaile.

John Vyvan,
John Prideaux,
Joseph Sawle,
Henry Vincent,
Richard Bonython,
John Manley,

Esqs;

Foymore.

Sir Bouchier Wrey, Bart.
Sir John Coryton, Bart.
Sir John Molesworth, Kt.
John Speccot, Esq;
Nicholas Glynn, Esq;
John Waddon, Esq;

Penwith and Kirrier.

Sir John Carew, Bart.
Humphry Borlase, Esq;
William Arundell, Esq;
Richard Hoblyn, Esq;
George Robinson, Esq;
John Penneck, Gent.

Ordered, That all Proceedings of this Convocation, by reason of the Prorogation, be revived.

Ordered, That Sir Bouchier Wrey, Sir John Carew, Humphry Borlase, and Colonel Trevannion, wait on the Lord Warden for a Copy of his Majesty's Commission, and Articles annexed thereunto, and of his Lordship's Speech.

And then adjourned to Thre a Clock in the Afternoon.

Ordered, That the Commission from his Majesty, with the Articles annexed, directed to the Lord Warden, to treat with the Convocation concerning the Farm, be entred in this Book.

JAMES

JAMES the Second, by the Grace of God King of *England, Scotland, France and Ireland*, Defender of the Faith, &c. To our right trusty and right well beloved Cousin and Counsellor, *John Earl of Bath*, Lord Warden of the Stannaries. Whereas the Tanners of our Stannaries in *Cornwall and Devon*, in their respective Parliament or Convocation assembled, did by you our Warden in the Year 1686, humbly complain and represent unto us the great Decay of our Stannaries, occasioned by the Combination of Merchants, whereby the Price of Tin was sunk so low, as that their Labour and Adventures were wholly discouraged; and therefore humbly prayed that we would grant our Commission unto you, to treat with them for our taking all their Tin in Farm, at such a Rate as might encourage their Adventures; and whereas we were thereupon graciously pleased, out of the Consideration of the constant Loyalty of our said Tanners, and out of our just Sense and Compassion of their ill Circumstances, to declare our Pleasure in our Treasury-Chamber at *Windſor*, by our Order bearing Date the Sixteenth Day of *August* last, that we would be content to take all the Tin that should be found within our said Stannaries, at the Rate of 3 *l. 10 s. per Cent.* Stannary Weight, being much beyond the then Price current, or what could otherwise be by them hoped for by any other Means: And whereas by our Order of the Twenty ninth of *November* last, given at our Court at *Whitehall*, we were further pleased to direct you our Warden to signify unto us, whether the said Tanners would accept of the Price, with an Assurance that in case they did, that we would then, and not otherwise, grant our Commission unto you, to treat and conclude with them thereupon. And whereas, pursuant to our said Order, you have communicated such our Royal Pleasure therein, unto the respective Parliaments or Convocations of the Tanners of the respective Counties of *Cornwall and Devon*, who have by certain Instruments under the Hands of the respective Members, of and in the respective Parliaments or Convocations, dated the one at *Looſwithiel* for the Stannaries of *Cornwall*, the Nineteenth of *December* 1687, and the other at *Taviſtocke* for the Stannaries of *Devon*, the Fourteenth Day of the same Month of *December*, with all humble Thankfulness declared their cheerful Assent to the said Price of 3 *l. 10 s. per Cent.* Stannary Weight. We therefore, for the more effectual putting our said good Intentions towards our said Subjects in Execution, do by Vertue hereof require and authorize you our Warden of the Stannaries, that you forthwith repair to the Towns of *Looſwithiel* and *Taviſtocke* in the said Counties, or to such other Places as you shall think most convenient for the respective Parliaments, or Convocations of the Tanners of the said respective Counties to be adjourned unto; and that you for us and in our Behalf, compleat and execute the said Agreement, and other our gracious Condescensions, according to the Effect and Instructions in the Articles annexed, with all usual and necessary Clauses and Covenants for the rendering the

the same effectual, according to our just and favourable Intentions towards our said Subjects, taking care that such Agreement be made and ratified on our said Subjects Behalf in the respective Parliaments, or Convocations of Tinnars. And our further Will and Pleasure is, and we do hereby authorize you on our Behalf, and on the Behalf of our dearly beloved only Son the Prince, Duke of Cornwall, to assent unto all as shall be agreed upon and presented unto you by the respective Parliaments, or Convocations of Tinnars, for the Welfare and good Government of the Stannaries, in such manner as hath been accustomed, and for so doing this shall be your Warrant. And whereas since the Transactions abovesaid, it hath pleased God to bless us with a Son, who is by Birth Duke of Cornwall, and all our Interest in the Stannaries is thereupon devolved upon our said dearly beloved Son the Duke of Cornwall and his Successors, Dukes of Cornwall for the Time being; and we do hereby give our Royal Word and Promise to our said Subjects the Tinnars, that the Agreement and Concession by us herein made, shall be in all things made good and confirmed by our said dearly beloved Son, under his Great Seal, unto our said Subjects within the Space of Twelve Months. Given under Privy Seal at our Palace at Westminster the Ninth Day of August, in the Fourth Year of our Reign.

Tho. Watkins.

ARTICLES and Instructions to be observed by the Right Honourable John Earl of Bath, Lord Warden of the Stannaries, in Execution of the Commission under his Majesty's Privy Seal hereunto annexed, touching the Farm of all the Tin within the Counties of Cornwall and Devon.

Imprimis, YOU shall settle an Agreement with the respective Parliaments, or Convocations of Tinnars of Cornwall and Devon, for all the Tin that shall arise and be within the respective Counties, at the Rate of $3\text{ l. } 10\text{ s. per Cent.}$ Stannary Weight, accounting one Hundred and Twenty Pounds, at Sixteen Ounces to the Pound, to each Hundred, rebating for base and bad Tin, as hath been accustomed, for the Term of Eleven Years, from the Twenty fourth of June last past.

Item, We are graciously pleased that you shall agree on our Part, that during the Continuance of the said Farm, the Tinnars shall be discharged of the Coinage Duty of 4 s. per Cent.

Item, That the Price of every Parcel of Tin at the Rate aforesaid, be paid the respective Tinnars or their Assigns, within six Days after the Delivery of the same; or, in default of such Payment, the Owner to dispose of the same at his Pleasure, on Payment of the Coinage Duty and Customs.

Item, We are further graciously pleased to condescend and agree, that there be four free Coinages yearly at each Coinage Town, at the

the usual Times, and be ascertained, as hath been done in former Farms.

Item, We are also pleased, that it be agreed, that our Agents, Farmers and Assigns, shall have a Bank or Stock of Ten Thousand Pounds in the whole; to be divided and lodged in each Coinage Town, in such Proportion as shall be fit to be from time to time lent and advanced to the Tinnars betwixt the Coinages, upon good Security at Six *per Cent.* for two or three Months, and if it be but for one Month, and the Tin in the Hall, to be lent *gratis*.

THO. WATKINS.

Ordered, That the Receiver General, or his Deputy, be acquainted to attend Mr. William Arundell, Mr. Manley, Mr. Robinson, and Mr. Penneck, or any Two of them, to give an Account of what Moneys are received, by Vertue of an Order of this Convocation.

Adjourned unto to morrow Eight a Clock in the Forenoon, and then to consider of the Laws.

Saturday, the 22d of September.

Ordered, That the Thanks of this Convocation be returned to the Lord Warden for his indulgent Speech, and for his great Care of, and Kindness to the Tinnars of this County.

Ordered, That the Lord Warden's Speech be entred in this Book.

And then adjourned for Half an Hour.

Ordered, That Mr. Vincent, Mr. Arundell, Mr. Hoblyn and Mr. Penneck wait on the Lord Warden for the Draught of the Laws.

Ordered, *Nemine contradicente*, to accept of a Farm of Eleven Years, upon such Security and Terms as shall be agreed on by the Convocation, at 3 *l. 10 s. per Cent.* Stannary Weight clear, that is to say, One Hundred and twenty Pounds Weight to the Hundred, and Sixteen Ounces to the Pound.

Adjourned unto Two a Clock in the Afternoon.

Ordered, That the Convocation wait on the Lord Warden, to acquaint his Lordship of this Vote, and to desire his Lordship's Concurrence.

And then adjourned for Half an Hour.

Afterwards adjourned unto Monday next, at Ten of the Clock in the Forenoon, at this Place.

Monday, the 24th of September.

Ordered, That the Laws now before this Convocation be read.

Ordered, That the Assistants be called in, to hear the Laws read.

The Names of the Assistants that did appear this Day, and heard the Laws read.

Blackmore.

*Charles Trubody,
Richard Scoble,
Nicholas Young,
Thomas Carlyon,
Stephen Robins,
John Woolridge.*

Tywarnhaile.

*Nicholas Francis,
Coswith Martin,
John Layman,
Mark Daniel.*

Penwith and Kirrier.

Foymore.

*Stephen Robyns,
Thomas Jenkin.*

*Sampson Veale,
Stephen Mitchell,
Anthony Cock,
John Harris.*

Adjourned unto to morrow Eight of the Clock in the Forenoon.

Tuesday the 25th of September.

Ordered, That Mr. Richard Hobblyn draw the Articles for the Farm.

Adjourned unto Two a Clock in the Afternoon.

Ordered, That Penzance Petition, and the Pewterers Petition be entred in this Book.

*To the Honourable Convocation, or Parliament of Tinnars assembled
at Lostwithiel, for the County of Cornwall.*

*The Humble ADDRESS and PETITION of Sampson Veale,
George Treweek, and John Ellis, Gent. for, and in behalf
of Themselves and the Town of Penzance, within the Stannar-
ies of Penwith and Kirrier, and of the Tinnars and Owners
of Blowing-Houses, in and adjacent to the said Town of
Penzance,*

Humbly shew,

THAT our late most Gracious King *Charles the Second*, of ever
blessed Memory, for the Ease and Benefit of the said Town
and Tinnars adjacent, was most graciously pleased, by Letters Pa-
tents under the Great Seal of *England*, to constitute and appoint the
said Town of *Penzance* to be one of his Majesty's Coinage Towns
within the said Stannary for ever, as by the said Letters Patents
may more fully appear; and in Pursuance thereof, the said Town
and the Tinnars adjacent, have for many Years enjoyed the several
Coinages yearly, and all other the Privileges granted to them, as
other his Majesty's Coinage Towns have done: But now so it is,
may it please your Honours, that this Great and High Court being
assembled, and taking into your Considerations all other the Coinage
Towns of this County, have taken no Notice of the said Town of
Penzance, so as to declare the same a Coinage Town, or to make
any Laws relating thereto.

*Your Petitioners do therefore most humbly pray, that your
Honours will be pleased to take the Premisses into your
serious Considerations, and to nominate and appoint the
Times of Coinages at the said Town of Penzance, as you
have been pleased to do for the other Coinage Towns, that
so your Petitioners may enjoy the Liberties and Privileges
granted the said Town, by the said Letters Patents,
according to the Intent thereof.*

And your Petitioners shall ever Pray, &c.

*Sampson Veale,
George Treweek,
John Ellis.*

The

The PEWTERERS Petition.

To the Right Honourable John Earl of Bath, Lord Warden of the Stannaries, and to the Honourable the Convocators, or Parliament of Tinners assembled at Lostwithiel.

The Humble Petition of the PEWTERERS in the County of Cornwall,
Humbly sheweth,

THAT your Petitioners have served their respective Apprenticeships, and undergone great Labour and Costs to learn and become Masters of the said Trade of Pewterers, and for many Years last past have used and exercised the same in the said County of Cornwall, and have constantly made very good Pewter of all sorts, and therewith supplied the Nobility, Gentry, and other Inhabitants, at much cheaper Rates than it could be had elsewhere, by means whereof your Petitioners, and many other Persons employed under them, get sufficient and honest Livelihoods for the Maintenance of themselves and Families, as well to the great Benefit of the respective Towns where your Petitioners dwell, as of the general Advantage of the said County. And whereas your Petitioners do understand, that your Lordship and the Honourable Convocation, are upon Treaty for a Farm of all the Tin that is, and shall be made and gotten in the said County for a certain Number of Years, at the Price of 3 l. 10 s. per Cent. Stannary Weight; and whereas it hath been accustomed in former Farms to make Provision for the Supply of the Pewterers with Tin at a moderate Price, to prevent the extraordinary Price of Pewter, as is most reasonable, especially in relation to this County, whereof Tin is the natural Product:

Your Petitioners therefore humbly pray your Lordship and this Honourable Convocation, that you will be pleased to provide, that during the Continuance of the intended Farm, your Petitioners shall and may from time to time be supplied and furnished by such Farmers, and their Agents, with sufficient Quantities of Tin for their Working and Manufacture in their said Trade, to be delivered to your Petitioners at the respective Coinages in the said County, on Payment of such reasonable Price for the same, as by your Lordship and the Convocation shall be thought meetest.

And your Petitioners, as in Duty bound, shall ever pray, &c.

*John Johns,
Edw. Champion,
Peter Mourton,
Richard Tedder,
William Wyatt,
John Partridge,*

*Alexander Tregian,
Samuel Nichols,
Nathanael Triggs,
William Gribble,
James Michell,
John Ellis,*

*John Bullock,
Edmund Davy,
John Williams,
Richard Tregian,
Peter Godfrey,
William Cock.*

It

It is agreed by this Convocation to reserve a Quantity of Tin for the Use of the Pewterers of *Cornwall*, not exceeding Thirty Tun *per Annum*, at the Price of 4*l.* 6 *s.* *per Cent.* Stannary Weight.

Ordered, That the Receiver General of the Dutchy of *Cornwall*, or his Deputy, do demand and receive the Arrearages of the last Order made by this Convocation, for the raising Sixpence *per Cent.* on each Hundred Weight of the Tin that should be coined at *Lady-day* last, from the respective Persons in Arrearages, that coined at *Penzance*, and other Coinage Towns within the County of *Cornwall*, at *Lady-day* Coinage last; and that he pay what Monies he then received by Vertue of the said Order yet remaining in his Hands, and what other Monies he hath since received, or shall at or before the End of next *Michaelmas* Coinage receive, by Vertue of the said Order, unto *Jonathan Rasleigh* of *Menobilly*, Esq; who is hereby impowered to receive the same, and to dispose thereof as this Convocation, or any Sixteen of them, shall order and direct.

Adjourned till to morrow Morning Seven a Clock.

Wednesday, the 26th of September.

Ordered, That Thirteen Convocators shall have Power at any time to adjourn.

Adjourned for Half an Hour.

Ordered, That the Assistants here under named, or any two of them within their respective Stannaries, do before the next Coinage affere the Weights in the Coinage-Halls within their respective Stannaries, at One Hundred twenty Pounds to the Hundred, and Sixteen Ounces to the Pound.

The Names of the Assistants that are to affere the Weights.

Blackmore.

Charles Truboddy,
Richard Scoble,
Thomas Carlyon,

Foymore.

Stephen Robins,
Thomas Jenkin,
Samuel Langford,

Tywarnhaile.

John Hayman,
Nicholas Francis,
Mark Daniel.

Penwith and Kirrier.

Anthony Cock,
John Harris,
Stephen Mitchell.

Ordered, That *Richard Hoblyn*, *Henry Vincent* and *John Manley*, Esqs; or any Two of them, shall perfect the Stannary-Laws to be ingrossed; and that they have all Papers relating thereunto, now being with the Convocators, which are now delivered to Mr. *Tho. Pearce*.

AT the Convocation, or Parliament of Tinnors, held at *Loſtwi-
thiel* the Twentieth Day of *September*, in the Fourth Year of
the Reign of our Sovereign Lord *James* the Second, by the Grace
of God of *England, Scotland, France and Ireland*, King, Defender of
the Faith, &c. Annoq; Domini 1688. for the Stannaries of *Cornwall*,
before the Right Honourable *John* Earl of *Bath*, Lord Warden of the
Stannaries of *Cornwall* and *Devon*, and one of the Lords of his Ma-
jesty's most Honourable Privy Council, by Vertue of his Majesty's
most gracious Commission under the Privy Seal to his Lord-
ship directed, bearing Date at *White-Hall* the Eighth Day of
September, in the Second Year of the Reign of our Sovereign Lord,
James the Second.

Stannators for the Stannary of
Blackmore.

Sir *John Arundell*, Knt.
Humphry Courtney,
Charles Trevannion,
Walter Kendall,
Jonathan Rashleigh,
John Tanner,
Esqrs;

Stannators for the Stannary of
Foymore.

Sir *Bouchier Wrey*, Bart.
Sir *John Coryton*, Bart.
Sir *John Molesworth*, Knt.
John Speccot,
Nicholas Glynn,
John Waddon,
Esqrs;

Stannators for the Stannary of
Tywarnhaile.

John Vyvyan,
John Prideaux,
Joseph Sawle,
Henry Vincent,
Richard Bonython,
John Manley,
Esqrs;

Stannators for the Stannary of
Penwith and Kirrier.

Sir *John Carew*, Bart.
Humphry Borlase,
William Arundel,
Richard Hoblyn,
George Robinson,
John Penneck, Gent.
Esqrs;

Whereas his Majesty hath been graciously pleased, by his Royal
Commission under his Privy Seal, bearing Date at his Majesty's Pa-
lace of *Westminster* the Ninth Day of *August*, in the Fourth Year of
his Majesty's Reign, to commissionate and authorize the Right Ho-
nourable the said Lord Warden to treat of, compleat, and execute
a Bargain and Agreement with Us on the behalf of his said Majesty,
for the buying and taking into his Majesty's Hands, all the Tin
which shall be found within the Stannaries of the County of *Corn-
wall*; and whereas his said Majesty hath been pleased by the said
Commission to declare, that the said Agreement so to be made,
shall be on the behalf of his Royal Highness the Prince, Duke of
Cornwall, and his Successors, in all Things made good and confirm-
ed by his said Royal Highness under the Great Seal, within the
Space of Twelve Months, from the Day of the Date of the said
Commission :

It is now agreed by and between the Right Honourable the said
Lord Warden, in Pursuance of his said Commission, on the behalf
of his said Majesty and the said Prince, Duke of *Cornwall*, of the
one

one Part, and the said Convocators, now in Convocation assembled, for and on the Behalf of the Tinnerns of the said County of Cornwall of the other Part, in Manner and Form following.

First, That his said Majesty, and the said Duke of Cornwall, shall have and enjoy all the Tin that shall be digged, arise, or made within the said County of Cornwall from the Four and twentieth Day of June last past, for, and during the full Time and Term of Eleven Years, from thenceforth fully to be compleat and ended, at the Price of Three Pounds and Ten Shillings Sterling, for every Hundred Weight of Tin, Stannary-Weight; that is to say, after the rate of Sixscore Pounds to the Hundred Weight, after the rate of Sixteen Ounces to the Pound, and no more, and so for a greater or lesser Proportion of Weight; the said Price to be paid in Gold or Silver.

Secondly, That the said Money, or Price of 3 *l.* 10 *s.* *per Cent.* shall be paid to each and every respective Tinner, according to their respective Proportions upon weighing of their respective Slabbs or Quantities of Tin, or within Four Days thereof, in the Coinage Town where the Tin is so coined.

Thirdly, It is agreed, that the Property of the Tin shall remain and be in the Tinnerns, until the Price thereof shall be paid to each respective Tinner; and that in case the said respective Sums of Money shall not be paid to each respective Tinner, as aforesaid, upon the Weighing of the said Tin, or within Four Days thereof; then, and in such Case, such Tinnerns so unpaid, respectively shall keep the said Tin, and dispose of the same at his Pleasure, paying the Coinage Duty. And it is likewise hereby farther agreed, that no Slab or Piece of Tin shall be removed out of the Coinage-Hall where the same is coined, until the said Price of 3 *l.* 10 *s.* be duely and justly paid for the same, as is above agreed: And that the Comptroller of the Stannaries, or other Person authorized for the keeping of the said respective Coinage-Halls, his or their Deputy or Deputies, shall not at any time during the said Term of Eleven Years, suffer or permit any Slab or Piece of Tin to be carried out of any of the respective Coinage-Halls, untill the said Price be paid to each Tinner respectively; but shall suffer each Tinner so unpaid after the Time aforesaid, upon demand, to enter into each respective Coinage-Hall, and to take and carry away his or their respective Tin.

Fourthly, It is agreed, that during the Continuance of the said Term of Eleven Years, every Tinner shall be discharged of the Coinage-Duty of Four Shillings *per Cent.*

Fifthly, It is agreed farther, that there be yearly Four free Coinages at every Coinage Town at the usual Times appointed, without Adjournment from the respective Coinage Towns, until all the Tin be coined.

Sixthly,

Sixthly, It is farther agreed, that his Majesty, or his Highness the Duke of Cornwall, their Agents, Farmers or Assigns, during the said Term of Eleven Years, shall have a Bank, or Stock, of Ten Thousand Pounds in the whole, to be divided and lodged in each Coinage-Town, to be lent between the Coinages after the rate of Six Pounds Interest for every Hundred Pounds, upon Security for two or three Months; and if any Tinner shall have Tin in any of the respective Coinage-Halls at any time before the Coinage, he shall have and take up from the said Agents or Farmers, so much Money as his Tin shall amount unto for one Month before each Coinage, without paying of Interest for the same during that time.

Seventhly, It is agreed, that for the Prevention of all Differences that may arise about the weighing of Tin, the Beams, Pins, and all the Weights in each Coinage-Town, both small and great, shall be at the next Coinage in each Coinage-Town assayed by a Jury of good and substantial Tanners, according to the Laws and Customs of the Stannaries, and so from time to time as Occasion shall require, during the said Term; and in case any of the said Weights shall be found to be unjust or insufficient, whereby any Prejudice, Damage, or Loss may come or accrue, either to the Tanners, or to his Majesty, or the Duke of Cornwall, or to his or their Agents or Farmers in their due, just, and equal weighing of the Tin, then and in such Case the same shall be amended, and Satisfaction made to the Party or Parties grieved or damnified thereby.

Eighthly, Item it is agreed, that the Pewterers of the County of Cornwall, shall have yearly, and every Year during the said Term of Eleven Years, out of the Tin made in the said County of Cornwall, so much White Tin as they have Occasion to use for the making of Pewter, not exceeding Thirty Tuns in each Year, at the Price of Four Pounds and Six Shillings *per Cent.* Stannary Weight.

Ninthly, It is farther agreed, that during the said Term of Eleven Years, no Tinner shall be obliged to pay upon the Coining and Weighing of his Tin, any other Fee or Payment than the Tanners have heretofore paid, and of Right ought to pay, during the Time and Continuance of any Farm or Farms.

Lastly, Provided always, and it is further agreed upon betwixt the Parties aforesaid, That in case his Majesty, or his Highness the Duke of Cornwall, or the Agents or Farmers under them, or either of them, shall for any one whole Coinage during the said Term of Eleven Years, neglect or refuse to take and pay for the Tin according to the Agreement herein before expressed; then, and in such Case all these present Articles, and the Bargain thereby made, shall cease and determine, and be utterly void for the Remainder of the said Term of Eleven Years, from the time of such Neglect or Failure.

And then this Convocation adjourned unto the Eleventh of October next, at Saltash.

AT the Convocation of Four and twenty Stannators, or Parliament of Tinnars assembled for the Stannaries in Cornwall, held at *Truroe* in the said County of Cornwall the Sixteenth Day of September, in the Second Year of our Sovereign Lady Anne, by the Grace of God of England, Scotland, France and Ireland Queen, Defender of the Faith, &c. before the Right Honourable John Lord Granville, Lord Warden of the Stannaries of Cornwall and Devon, and one of the Lords of her Majesty's most Honourable Privy Council, by Vertue of her Majesty's most gracious Commission under the Privy Seal to his Lordship directed, bearing Date at Westminster the Thirtieth of June, in the Second Year of her Majesty's Reign.

Stannators of the several Stannaries returned.

Blackmore.

John Trevannion,
Dennis Glynn,
John Hoblyn,
Charles Grills, jun.
John Sawle,
John Cole,

Esqs;

Foymore.

James Buller,
William Bridges,
Thomas Wadden,
William Courtney,
Francis Scoble,
Hugh Piper,

Esqs;

Tywarnhaile.

Henry Vincent,
John Manley,
Francis Basset,
Alexander Pendarves,
Hugh Tonken,
John Pollard,

Esqs;

Penwith and Kirrier.

James Prade,
Renatas Bellot,
Thomas Vyvian,
Edward Penrose,
Sampson Hill,
James Keigwin,

Esq;

Pursuant to the Returns, the Convocation met at the Coinage Chamber, and proceeded to the Choice of a Speaker.

Resolved, Nemine Contradicente, That James Buller, Esq; be Speaker of this Convocation.

Ordered, That Francis Scoble, Esq; and Alexander Pendarves, Esq; do attend the Lord Warden, to know his Lordship's Pleasure when this Convocation shall present their Speaker unto him.

The Messengers being returned, reported, that the Lord Warden will be attended by this Convocation, with their Speaker, to morrow Morning by Eight of the Clock in the Court.

Ordered, That the Lord Warden be attended accordingly.

Ordered, That the Convocation be adjourned till to morrow Morning Seven a Clock, and then the Convocation adjourned accordingly.

Die Veneris, 17mo Septembris, 1703.

The Convocation then met, and adjourned till Eleven a Clock.

The Convocation met at Eleven a Clock, according to the Adjournment, and came to these following Resolutions.

Resolved, That we the aforementioned Four and twenty Stannators, being duly elected and returned by four respective Mayors, and Council of the several Towns of *Lostwithiel, Launcestone, Truroe, and Helstone*, to serve in this present Convocation, or Parliament of Tanners, according to the antient Prescription and Usages of the said Stannaries, and assembled as aforesaid, do take into our Consideration these Articles following, *viz.*

For that the unanimous Consent of the full Four and twenty, according to the Letter of the Charter of Pardon, may not be put to every Ordinance propounded, to the end that our Endeavours, for the want of one or few Voices may not fall to the Ground; We, following former Presidents and Usages, do agree, constitute, and ordain, that whatsoever Propositions shall be affirmed and concluded by Sixteen or more in Convocation assembled, but not under the same, shall stand and be binding as the Act of us all.

Ordered, That *Thomas Horwel* and *Henry Rolkingborne, Gent.* be our Clerks, and that they do attend us, and execute our Commands from time to time during this Convocation.

Mr. Speaker acquainted this Convocation, that he had obtained a Copy of the Lord Warden's Speech at the opening of this Convocation, which he read, and is as followeth.

Gentlemen,

AFTER a long Intermission of Fifteen Years, you are again by the Queen's especial Grace and Favour, assembled. Her Majesty, in both her Commissions under her Privy Seal now read, hath been graciously pleased to fully to express her Royal Pleasure in calling this Convocation, that it will be unnecessary for me to enlarge farther on this Occasion; I shall therefore only mind you of the great Obligations We owe, beyond all other Subjects, to our most Gracious Sovereign. Her Majesty's pious Zeal, and constant Care in maintaining the Church of England as it is by Law established; her great Endeavours, ever since her most happy Accession

to

to the Throne of her Ancestors, to render all her People happy, by restoring and securing them and their Posterity the full Enjoyment of their Liberties and Properties, are such Benefits as we can only pretend to share with the rest of our Fellow Subjects; but we of this and the next County, are solely obliged to her Majesty, that at a Time when for the Safety of her own Dominions, and to preserve the Ballance of *Europe* from the encroaching Power of *France*, she is engaged in a very expensive War, she is graciously pleased, amidst all the Difficulties that necessarily attend such an extraordinary Juncture, to take into her Royal Consideration the sad and deplorable Condition of her good and loyal Subjects the Tinnors of *Cornwall*, who suffered so many Hardships in the late War. And to prevent the like Sufferings in the present, her Majesty is graciously pleased to offer, as a distinguishing Mark of her Royal Favour and Compassion, to take Sixteen Hundred Tuns of Tin yearly for seven Years, at the Price of Three Pounds and Ten Shillings *per Cent.* Stannary-Weight, which will be punctually paid out of her own Revenue. So great a Bounty at this time could scarce be hoped for; therefore this extraordinary Grace requires a most dutiful Acknowledgment; and, I hope, no Subject of *Cornwall* will ever hereafter be so ingrateful to her Majesty, as in the least to deviate from the antient Loyalty of this County, to which her Majesty in these Commissions hath been pleased to do signal Honours, by granting her Exemplification of the Service and Sufferings of our Ancestors, for their Loyalty, in the late horrid Rebellion against her Royal Grandfather King *Charles* the First, of ever blessed Memory.

Gentlemen,

I cannot but own my self glad of this Occasion to meet so many of my worthy Countrymen; and as I am very confident that an Assembly composed of such prudent and loyal Persons, of so good Interest in your County as you are, will proceed in all things as you ought to do for the Service of her Majesty, and the Good of the Tinnors, for which End you are only called: So I do assure you I shall not be wanting on my part in any thing to render this Meeting fully as beneficial and advantageous to the Tinnors, as her Majesty has most graciously intended it, wherein I shall think my self infinitely happy, if I become the Instrument of conveying any Advantage to you, being fully satisfied that I have the Honour to serve a Queen whose Interest is so inseparable from that of her Subjects, that I cannot do them any more real Good, than by zealously promoting her Service: nor can I better recommend my self to her Royal Favour, than by being a strenuous Assertor of the Laws and Liberties of my Country.

To conclude; I shall only put you in mind, that it will not be long before many of your Attendancies will be indispensably required in another Place; wherefore I hope you will give as much Dispatch to the several Matters before you, as will be as consistent with her Majesty's Service, as the Good of *Cornwall*, wherein you may
be

be assured of my Concurrence; for I shall be always ready to testify my natural Affection and Esteem for this County, whose Prosperity I do heartily wish.

I refer to my Vice-Warden to lay before you the present State of the Stannaries, which I doubt not but he will perform to your Satisfaction. I hope this Meeting will have so happy a Conclusion, as will engage us all to join in our most humble Thanks to her Majesty, for her unparalleled Goodness towards us, and that the whole County may pray, as with one Voice, for the long Life and happy Reign of our most Gracious Sovereign Lady Queen *Anne*, whom God long preserve, for the Benefit of all her Subjects, on the Throne of her Royal Ancestors.

Ordered, That the Thanks of this Convocation be given to the Lord Warden, for his excellent Speech to this Convocation.

Ordered, That the whole Convocation do attend the Lord Warden with the same.

Ordered, That Mr. *Trevannion*, Mr. *Scoble*, Mr. *Bridges*, and Mr. *Pendarves* do attend the Lord Warden, to know his Lordship's Pleasure when he will receive the Thanks of this Convocation for his Speech.

Ordered, That it be an Instruction to the Messengers, to desire that a Copy of the Articles annexed to the Lord Warden's Commission under the Privy Seal, be laid before the Convocation.

Ordered, That each Convocator do give in the Name of his Assistant at Five of the Clock this Afternoon.

The Messengers being returned, reported that the Lord Warden will be attended to morrow Morning by Ten of the Clock; and at the same time they delivered in a Copy of the Articles and Instructions annexed to his Lordship's Commission under the Privy Seal.

Ordered, That the said Articles be read; which was done accordingly, and are as followeth.

ARTICLES and Instructions to be observed by the Right Honourable John Lord Granville, Lord Warden of the Stannaries, in Execution of the Commission under her Majesty's Privy Seal hereunto annexed, touching the Contract and Agreement for Sixteen Hundred Tuns of Tin yearly, within the Counties of Cornwall and Devon, for the Term of Seven Years.

Imprimis, YOU shall settle an Agreement with the respective Parliament, or Convocation of Tinnors of Cornwall and Devon, for Sixteen Hundred Tuns of Tin yearly, at the rate of Three Pounds Ten Shillings *per Cent.* Stannary Weight, accounting One Hundred and twenty Pounds, at Sixteen Ounces *Averdupois* to the Pound, to each Hundred, rebating for debased and bad Tin, as hath been accustomed, for the Term of Seven Years.

Item, We are graciously pleased, that you shall agree on our Part, and on the Part of our Heirs and Successors, that during the Continuance of the said Contract and Agreement, the Tinnors shall be discharged of the Coinage Duty of Four Shillings *per Cent.* and shall pay no more or other Fee than usual; and that Four Quarterly Coinages shall be yearly kept in the respective Coinage Towns in the said County, as have been accustomed.

Item, That the Price of every Parcel of Tin, not exceeding the said Quantity of Sixteen Hundred Tuns, at the rate aforesaid, be paid the respective Tinnors, or their Assigns, within Fourteen Days after the Delivery of the same, or, in default of such Payment, the Owner to dispose thereof at his Pleasure, upon Payment of the Coinage Duty and Customs.

Item, That if a greater Quantity of Tin than the Sixteen Hundred Tuns shall happen to be made in any one whole Year during the Continuance of the said Contract or Agreement, that in such Case the said Overplus shall remain till the next succeeding Coinage, when the same shall have the Preference to be coined and paid for before any other Tin whatsoever. In order hereunto, our Coinage Officers and Agents, shall keep a true Register of all such Surplus Tin, with the Names of the Owners thereof, and the exact Time when the same was delivered at the Coinage Hall.

Item, We are graciously pleased, that it be agreed that our Agents or Assigns shall have a Bank or Stock of Ten Thousand Pounds in the whole, to be divided and lodged in each Coinage Town, some in such Proportion as shall be fit from time to time to be lent and advanced to the Tinnors betwixt the Coinages, for making any Part of the said Quantity not exceeding Sixteen Hun-

dred Tuns of Tin a Year, upon good Security at Six Pounds *per Cent.* for two or three Months, and if lent for one Month, and the Tin in the Hall, to be lent *gratis*.

Ordered, That the Lord Warden's Speech and the Articles, be taken into Consideration at Five a Clock this Afternoon; and then the Convocation adjourned this Afternoon in the Coinage-Hall.

The Convocation met according to the Adjournment, and each Convocator delivered in the Name of his Assistant, who are as follow.

Blackmore.		Foymore.	
<i>Thomas Carlion,</i> <i>John Williams,</i> <i>William Rowe,</i> <i>Henry Scoble,</i> <i>Hugh Henwood,</i> <i>Edm' Carthew,</i>	} Gent.	<i>Anthony Cock, Gent.</i> <i>John Nicholls, Esq;</i> <i>William Beauchamp,</i> <i>Oliver Ustick,</i> <i>John Woolridge,</i> <i>John Harry,</i>	} Gent.
Tywarnhaile.		Penwith and Kirrier.	
<i>Symon Tregea,</i> <i>Reginald Angove,</i> <i>Stephen Harris,</i> <i>Hercules Nicholls,</i> <i>Charles Tregea,</i> <i>Udy West,</i>	} Gent.	<i>John Burlace, Esq;</i> <i>Richard Tyack, Gent.</i> <i>John Arundel, Esq;</i> <i>John Trannick, Gent.</i> <i>John Rogers, Gent.</i> <i>William Usticke, Gent.</i>	

Ordered, That Mr. Manley do attend the Lord Warden with a List of the Assistants this Convocation have made choice of, and do desire the Lord Warden to issue his Summons for their Attendance.

Ordered, That the Consideration of the Lord Warden's Speech and the Articles, be adjourned till to morrow Morning.

Ordered, That this Convocation be adjourned till to morrow Morning Eight a Clock.

Die Sabbathi 18mo die Septembris.

The Convocation met according to their Adjournment.

Mr. Scoble having acquainted the Convocation, that John Hayman could not attend their Service, desired Leave to appoint John Woolridge, Gent. in his Place.

Ordered,

Ordered, That Mr. Manley do attend the Lord Warden, to desire that the said *John Woolridge* may be inserted in the Summons, in the Stead of the said *John Hayman*.

Mr. Manley reported, that he had attended the Lord Warden, and that his Lordship had ordered the Summons to be altered accordingly.

Ordered, That the Assistants be called in, and that the Lord Warden's Speech at the Opening of this Convocation, and the Articles annexed to his Lordship's Commission under the Privy Seal, shall be read to them.

Ordered, That the Speaker do acquaint them, that if they desire a Copy of the Lord Warden's Speech and Articles, the Convocation is ready to grant it them.

The Assistants having desired a Copy of the Lord Warden's Speech and Articles, the same were delivered to them.

Ordered, That the Assistants do withdraw.

Ordered, That the Assistants be called in, and that the Speaker do acquaint them, that the Convocation desires their speedy Thoughts of the Propositions laid before them.

Ordered, That the Assistants do withdraw again.

Resolved Nemine contradicente, That this Convocation do agree to let her Majesty have Sixteen Hundred Tun of Tin yearly, at the rate of Three Pounds Ten Shillings *per Cent.* Stannary Weight, for the Term of Seven Years.

Ordered, That the Assistants be called in, and acquainted with these Resolutions; and that the Speaker do farther acquaint them, that the Convocation expects they will consider of, and give their Opinion as to the Time of the Commencement of the Farm, by Six of the Clock this Afternoon.

The Assistants being called in, the Speaker acquainted them therewith.

Ordered, That the Assistants do withdraw.

Ordered, That the Convocation be adjourned to Six a Clock this Afternoon, in the Town Hall.

And the Convocation adjourned accordingly.

Six a Clock.

The Convocation met according to their Adjournment.

The Assistants being called in, presented to the Convocation a Paper, intituled, *Observations humbly laid before the Convocation by their Assistants, relating to the present Farm.*

Ordered, That the Assistants do withdraw.

Ordered, That the Paper presented by the Assistants, be now read; and it was read accordingly.

Resolved, Nemine Contradicente, That the Commencement of the said Term be from the First of *December* next.

Ordered, That the Convocation do attend the Lord Warden, to acquaint his Lordship with the said Resolutions, and to desire his Lordship's Concurrence therewith; and at the same time that the Speaker do desire his Lordship to lay before them the Contract concerning the last Farm, and all such Laws relating to the Stannaries, as are in his Lordship's Custody.

Ordered, That the Convocation be adjourned to *Monday Morning* Eight a Clock, at the Coinage-Hall.

Die Lunæ 20mo Septemb. 1703.

Mr. Speaker reported, that the Convocation had attended the Lord Warden, and acquainted his Lordship with the Resolution of *Saturday* last, and that his Lordship concurred therewith.

Mr. Speaker also reported, that he had obtained from his Lordship the Contract concerning the last Farm, and all such Laws relating to the Stannaries, as were in his Lordship's Custody, which he delivered in at the Table.

Ordered, That the Titles thereof be read, which were read accordingly, and are as followeth.

Anno 1688. Contract of Cornwall for the Farm of the Tin. Convocation Roll in the Second Tear of King James the Second, an Inspection and Confirmation of diverse ancient Acts of Convocation.

Ordered, That the Contract of the last Farm be now read; which was read accordingly.

Ordered, That the Articles and Instructions annexed to the said Lord Warden's Commission under the Privy Seal, be now read; which was read accordingly.

Ordered, That a Committee be appointed to draw up Articles for the Contract with her Majesty; and that Mr. *Manley*, Mr. *Soble*, and Mr. *Hoblyn* be the said Committee; and that they do prepare and bring in the same.

Ordered, That one of the Clerks do attend the said Committee, with all the Papers that have been laid before this Convocation, relating to the Contract.

Ordered, Upon a Debate of the Convocation, That it be an Instruction to the said Committee, that they make effectual Provision, that the Surplusage of Tin above the Sixteen Hundred Tuns, if any shall be at the End of the Year, at any Coinage Town, shall be coined and paid for before the next succeeding Coinage.

Ordered, That the Assistants be called in, and that the Speaker ask them, whether they have any thing farther to offer in relation to the Contract.

Ordered, That the Assistants do withdraw.

Ordered, That this Convocation do take into Consideration the several Acts and Proceedings of former Convocations, laid before them, to morrow Morning Eight a Clock.

Ordered, That this Convocation be adjourned till to morrow Morning Eight a Clock.

And the Convocation adjourned accordingly.

Die Martis 21mo Septembris 1703.

Mr. *Manley* reported from the Committee appointed to draw up the Articles for the Contract with her Majesty, that they had prepared the same, which he delivered in at the Table.

Ordered, That the Title thereof be read, which was done accordingly, and is as followeth.

The Draught of the Contract for the Tin of Cornwall for Seven Years, from the First of December Anno Dom. 1703.

Ordered, That the Draught be read, and that the Assistants be called to hear the same.

Ordered, That the Assistants do withdraw.

Resolved, Nemine contradicente, That an humble Address be presented to her Majesty, to return our unanimous and most hearty Thanks, for so graciously and seasonably taking into her Princely Consideration the present ill Circumstances of her most loyal and dutiful Subjects, the Tinnors of Cornwall.

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Ordered,

Ordered, That a Committee be appointed to draw up the said Address.

Ordered, That Mr. Manley, Mr. Scoble, Mr. Vincent and Mr. Hoblyn, be the said Committee.

Ordered, That the Acts of the last Convocation be now read.

Ordered, That the Assistants be called in to hear the same.

Ordered, That the Assistants do withdraw.

Ordered, That the Convocation be adjourned till Three a Clock this Afternoon.

And the Convocation adjourned accordingly.

Three a Clock.

The Convocation met.

Ordered, That a Committee be appointed to prepare and bring in an Act of Convocation, for the Confirmation of the several Acts of Convocation, made and confirmed in the Second Year of King James the Second.

Ordered, That Mr. Bridges, Mr. Hoblyn, Mr. Manley, Mr. Pendarves, and Mr. Scoble, or any three of them, be the said Committee, and that they do prepare and bring in the same.

Ordered, That the Convocation be adjourned till to morrow Morning Eight a Clock.

And the Convocation adjourned accordingly.

Die Mercurii 22do Septembris, 1703.

Mr. Manley reported from the Committee appointed to prepare and bring in an Act of Convocation for the Confirmation of several Acts of Convocation, made and confirmed in the Second Year of King James the Second, that they had prepared the same, which he delivered in at the Table.

Ordered, That the Title thereof be read, which was read accordingly, and is as followeth.

An Act for Confirmation of several Acts of Convocation in the Two and twentieth Year of King James the First, the Twelfth Year of King Charles the First, and the Fourth Year of King James the Second.

Ordered,

Ordered, That the said Act be read.

Ordered, That the same be read a second time.

Ordered, That the said Act be ingrossed.

Ordered, That Leave be given to bring in a Rider, to save and indemnify all Persons from any Forfeitures and Penalties they have incurred for the want of Publication of the Acts of Convocation, made in the Fourth Year of King James the Second.

Ordered, That the Contract for the Tin with the Lord Warden, on behalf of her Majesty, her Heirs and Successors, be read Paragraph by Paragraph.

Ordered, That the said Contract, with the Amendments, be ingrossed.

Ordered, That Mr. Bridges and Mr. Pendarves be added to the Committee appointed to draw up the Address to her Majesty.

Ordered, That the Convocation be adjourned to Five a Clock.

Five a Clock.

The Convocation then met.

Resolved, Nemine contradicente, That it is the Opinion of this Convocation, that for defraying the necessary Charges of this Convocation, Money be raised by a voluntary Payment of Sixpence for every Hundred Weight of Tin that shall be coined the next Christmas Coinage.

Ordered, That a Committee be appointed to consider how the Money shall be disposed of that shall be paid.

Ordered, That Mr. Pendarves, Mr. Bridges, Mr. Scoble, Mr. Trevannion, Mr. Vincent, Mr. Wadden, Mr. Hoblyn, Mr. Grills, Mr. Bassett, Mr. Keigwin, and Mr. Praed, or any three of them, be the said Committee, and that they do report their Opinion therein to morrow, at the Sitting of the Convocation.

Ordered, That the Assistants be called in.

The Assistants being called in, presented to the Convocation a List of the Fees payable to the Coinage Officers, which was read.

Ordered, That the Assistants do withdraw.

Resolved,

Resolved, Nemine contradicente, That an humble Address be presented to the Lord Warden, to return his Lordship the Thanks of this Convocation, for his great Favours to us in particular, and his signal Kindness to the Tanners in general.

Ordered, That the Committee appointed to draw up the Address to her Majesty, do likewise draw up the Address to be presented to the Lord Warden.

Ordered, That Mr. Praed, Mr. Trevannion, Mr. Courtney, and Mr. Pollard, be added to the said Committee.

Ordered, That the said Committee do report both Addresses at the Sitting of this Convocation.

Ordered, That the Convocation be adjourned till to morrow Morning Eight a Clock.

Die Jovis 23tio Septembris, 1703.

Ordered, That the Table of Fees, presented by the Assistants to the Convocation, be now read.

Ordered, That the Receiver and Comptroller of the Stannaries be sent for, to know whether they have any Objection to make to the Table of Fees.

Ordered, That the Assistants be called in.

Ordered, That the Receiver and Comptroller of the Stannaries do withdraw.

Ordered, That the Assistants do withdraw.

Ordered, That the Resolution of yesterday, for defraying the necessary Charges of this Convocation, be now read.

Resolved, Nemine contradicente, That the Money to be raised for defraying the necessary Charges of this Convocation, be paid to the Receiver General of the Coinage Duty, or his Deputy, to be disposed of as this Convocation shall direct.

Ordered, That the Assistants be called in, and acquainted with this Resolution of yesterday, for defraying the necessary Charges of this Convocation, as likewise the last Resolution.

Ordered, That the Assistants do withdraw.

Resolved, That it is the Opinion of this Convocation, that for the most effectual Payment of the necessary Charges of this Convocation,

cation, a farther Sum to be raised by a voluntary Payment of Two-pence *per* every Hundred Weight of Tin, that shall be coined the next Lady-day Coinage.

Ordered, That the Assistants be called in, and acquainted with the said Resolution.

Ordered, That the Convocation be adjourned to Four a Clock, in the Coinage-Chambers.

Four a Clock.

The Convocation then met.

Ordered, That the engrossed Contract be read, which is as followeth.

AT the Convocation, or Parliament, of Tinnors held at the Borough of *Truroe* in the County of *Cornwall*, the Sixteenth Day of *September*, in the Second Year of the Reign of our Sovereign Lady *Anne*, by the Grace of God of *England, Scotland, France and Ireland* Queen, Defender of the Faith, &c. *Anno Domini* 1703, for the Stannaries of *Cornwall*, before the Right Honourable *John* Lord *Granville*, Lord Warden of the Stannaries of *Cornwall* and *Devon*, Lord Lieutenant of the County of *Cornwall*, Lieutenant General of her Majesty's Ordnance, and one of the Lords of her Majesty's most Honourable Privy Council, by Vertue of her Majesty's most gracious Commission under the Privy Seal to his said Lordship directed, bearing Date at *Westminster* the Thirtieth Day of *June*, in the Second Year of her Majesty's Reign.

Stannators of the Stannaries of
Blackmore.

John Trevannion,
Dennis Glyn,
John Hoblyn,
Charles Grills, jun.
John Sawle,
John Cole,

Esqs;

Stannators of the Stannaries of
Foymore.

James Buller,
William Bridges,
Thomas Wadden,
William Courtney,
Francis Scoble,
Hugh Piper,

Esqs;

Stannators of the Stannaries of
Tywarnhayle.

Henry Vincent.
John Manley,
Francis Bassett,
Alexand. Pendarves,
Hugh Tonken,
John Pollard,

Esqs;

Stannators of the Stannaries of
Penwith and Kirrier.

James Praed,
Renatus Bellot,
Thomas Vyvyan,
Edward Penrose,
Sampson Hill,
James Keigwin,

Esqs;

Whereas her Majesty, out of her Princely Compassion of the present ill Circumstances of her ever Loyal Subjects the Tanners, hath been graciously pleased, by her Royal Commission under her Privy Seal, bearing Date at her Majesty's Palace at *Westminster* the Thirty first Day of *July*, in the Second Year of her Majesty's Reign, to commissionate and authorize the said Right Honourable Lord Warden, to treat of and settle an Agreement with the said Convocation or Parliament of Tanners, on the Part and Behalf of her said loyal Subjects the Tanners, for Sixteen Hundred Tuns of Tin yearly, at the rate of Three Pounds, Ten Shillings *per Cent.* Stannary Weight, accounting One Hundred and Twenty Pounds, at Sixteen Ounces *Averdupois* to the Pound, to each Hundred, rebating for debased and bad Tin, as hath been accustomed for the Term of Seven Years.

And whereas her Majesty hath been pleased by the said Commission to declare, that the said Agreement so to be made by the said Right Honourable Lord Warden, on the Behalf of her Majesty, her Heirs and Successors, shall be binding and made good; it is hereby declared, agreed and ordained by the said Right Honourable Lord Warden, on the Behalf of her Majesty, her Heirs, and Successors, and by the said Convocation or Parliament of Tanners now in Convocation assembled, for and on Behalf of themselves and of all the Tanners of the said County of *Cornwall*, in Manner following.

Imprimis, It is declared, agreed, constituted and ordained by the Authority aforesaid, that from and after the First Day of *December* next ensuing, for and during the Term of Seven Years, her Majesty, her Heirs and Successors, shall have and enjoy Sixteen Hundred Tuns of Tin yearly, Stannary Weight, if so much be made, accounting One Hundred and Twenty Pounds, at Sixteen Ounces *Averdupois* to the Pound to each Hundred, at the rate of Three Pounds Ten Shillings of lawful Money of *England*, for every such Hundred Pound Weight, and so proportionably for a greater or less Quantity, rebating for debased and bad Tin, as hath been accustomed.

Secondly, That the said Price of Three Pounds Ten Shillings, for every such Hundred Weight of Tin of the said Sixteen Hundred Tuns of Tin, shall be paid unto the respective Tanners, Owners, and Proprietors thereof, his or their Assigns, within fourteen Days after the Coinage of the same, at the Coinage Town where the Tin shall be so coined.

Thirdly, It is farther declared, agreed, and ordained, that during the Continuance of the said Term of Seven Years, every Owner and Proprietor of Tin shall be discharged of the Coinage Duty for his Tin of Four Shillings *per Cent.* and shall pay no more or other Fees than usual.

Fourthly,

Fourthly, It is farther declared, agreed and ordained, that the Property of the Tin shall be and remain in the Tinner, Owner, or Proprietor, until the Price aforesaid be paid and satisfied to each respective Tinner, Owner, or Proprietor, his or their Assigns, and that in Case the said Price of the Tin be not answered and paid to each respective Tinner, Owner, or Proprietor, his or their Assigns, within Fourteen Days after the Coinage thereof, then and in such Case such Tinner, Owner, or Proprietor so unpaid respectively, shall have his or their Tin redelivered unto him or them, paying or tendring the Coinage Duties for the same, and shall and may keep and dispose of the said Tin at his or their Will and Pleasure. And it is likewise hereby farther ordered, agreed, and declared, that the Receiver or Comptroller of the Stannaries, or some other Person or Persons be authorized and appointed for the keeping of the respective Coinage-Halls, and to have the Custody of the said Tin; and that the Receiver or Comptroller, or such other Person or Persons as shall be so authorized and appointed, his or their Deputy or Deputies, shall not at any time during the said Term of Seven Years, suffer or permit any Slob, or Piece of Tin, to be carried out of any the respective Coinage-Halls, or his or their Custody, until the said Price of Three Pounds Ten Shillings *per Cent.* be first paid to each respective Tinner, but shall suffer and permit each respective Tinner, Owner and Proprietor, so unpaid after the Time aforesaid, upon Demand to enter into each respective Coinage-Hall, and to have, take and carry away his or their respective Tin, paying or tendring the Coinage Duties for the same; and in case the Receiver or Comptroller, or other Person or Persons authorized and appointed to have the Custody of the said Tin, shall neglect or refuse to redeliver, upon Demand, to each respective Tinner, Owner, or Proprietor, the Tin so unpaid for, upon the Tinner, Owner, or Proprietor's tendring or paying the Coinage Duties for the same, such Receiver or Comptroller, or other Person or Persons, having the Custody or Keeping of the said Tin, shall forfeit for each Offence to such Tinner, Owner, or Proprietor, double the Value of the said Tin, to be recovered by Bill, Action, or Plaint in the Court of the Stannaries, and being lawfully convicted thereof, shall be for ever incapable of holding or enjoying any Office or Employment whatsoever belonging to the Stannaries.

Fifthly, It is farther declared, agreed and ordained, that there be yearly during the said Term of Seven Years, Four free Coinages held and kept at every Coinage Town in the County of *Cornwall*, at the usual Times appointed and accustomed, without Adjournment of the Coinages from the respective Coinage Towns, till all the Tin be coined.

Sixthly, It is farther declared, agreed, and ordained by the said Right Honourable Lord Warden, for and on the behalf of her Majesty, her Heirs and Successors, that her Majesty, her Heirs and Successors,

Successors, during the said Term of Seven Years, shall have and keep a Bank or Stock of Ten Thousand Pounds Sterling in the whole, to be divided and lodged in each Coinage Town, in such Proportion as shall be thought fit and necessary, to be from time to time lent and advanced to the Tanners betwixt the Coinages, for making any Part of the said Quantity, not exceeding Sixteen Hundred Tuns of Tin yearly, upon good Security, at 6 *l. per Cent.* for two or three Months, and if lent and advanced for one Month, and the Tin in the Coinage-Hall to be lent *gratis*.

Seventhly, It is farther declared, agreed and ordained, that for the Prevention of all Differences and Disputes that may happen and arise about weighing of Tin, the Beams, Pins, and all the Weights in each Coinage Town, both great and small, to a Pound Weight, shall be at the next Coinage, in each Coinage Town, assured by a Jury of good and substantial Tanners, according to the Laws and Customs of the Stannaries, and so from time to time, as Occasion shall require, during the said Term of Seven Years; and in case any of the said Weights shall be found to be unjust or insufficient, whereby any Prejudice, Damage, or Loss may come and accrue, either to her Majesty, her Heirs or Successors, or to the Tinner, in their just and equal weighing of Tin, then, and in such Case the same shall be amended, and Satisfaction made to the Parties grieved or damnified.

Eighthly, It is farther declared, agreed and ordained, that the Pewterers of the County of Cornwall shall have from her Majesty, her Heirs and Successors, yearly and every Year during the said Term of Seven Years, out of the Tin made out of the said County of Cornwall, so much White Tin as they shall have occasion to use for the making of Pewter, not exceeding Thirty Tuns in each Year, and not exceeding the Price of Four Pounds Six Shillings *per Cent.* Stannary Weight.

Ninthly, It is farther declared, agreed and ordained, that to prevent any undue Preference in the coining and paying for the Tin to the respective Owners or Proprietor thereof, that at the Charge of her Majesty, her Heirs, and Successors, during the Continuance of this present Contract, a true and exact Register be kept in each Coinage Town, of the Times of Bringing in and Delivery at the Coinage-Halls, of every Parcel or Block of Tin, with the Owners Name thereof, to the end that all such Tin may be coined and paid for in due Course; and if it shall happen that a greater Quantity of Tin than the said Sixteen Hundred Tuns shall be made and brought to the Coinage-Halls at the End or Determination of any one Year, during the Continuance of the said Contract or Agreement, that in such Case the said Overplus shall be coined and remain in such Coinage-Hall, or in the Custody of the Officer for that Purpose appointed, or to be appointed, until the next Coinage, and then shall have the Preference to be paid for before any other Tin

Tin whatsoever, and that every Owner or Proprietor of Tin brought to the Coinage-Halls, may at all seasonable Hours have Recourse to the said Register, without paying any Fee or Reward whatsoever for the same; and in case of Refusal or Neglect in the due Registering, Coining, or Paying for the Tin in Course, as aforesaid, unless at the Request or Desire of the Tinner or Proprietor, the Officer or Officers so neglecting or refusing, and being convicted thereof by Verdict in any of the Courts of the Stannaries, shall forfeit his or their Employment, and be for ever incapable of holding or enjoying the same, or any other Office or Employment whatsoever to the Stannaries.

Tenthly, It is farther declared, agreed, and ordained, that during the Continuance of this present Contract, no Owner or Proprietor of Tin within the said County of *Cornwall*, shall sell or dispose of any of his Tin to any Person or Persons whatsoever, otherwise than as aforesaid, except in default of Payment for the same at the Times for that Purpose herein before limited and appointed. In Confirmation whereof, the said Lord Warden, on the Behalf of her Majesty, her Heirs and Successors, hath hereunto set his Hand and Seal of the Stannaries, and the Convocators in Convocation assembled, their respective Hands at *Truroe*, the said Sixteenth Day of *December* in the said Second Year of her Majesty's Reign.

Ordered, That the Title thereof be, *An Act of Convocation in Parliament of Tinnars, for a Contract with the Right Honourable Lord Warden, on the Behalf of her Majesty, her Heirs and Successors, for Sixteen Hundred Tuns of Tin yearly for Seven Years, to be commenced from the First Day of December next.*

Ordered, That a Message be sent to the Lord Warden, to acquaint his Lordship that the Convocation hath passed an Act, intituled, *An Act of Convocation, or Parliament of Tinnars, for a Contract with the Right Honourable the Lord Warden, on Behalf of her Majesty, her Heirs and Successors, for Sixteen Hundred Tuns of Tin yearly for Seven Years, to commence from the First Day of December next*; and to know his Lordship's Pleasure, when this Convocation shall present the same, for his Assent and Confirmation.

Ordered, That *Mr. Vincent* and *Mr. Pendarves* do wait on the Lord Warden, to acquaint his Lordship therewith.

Resolved, Nemine contradicente, That the Humble Thanks of this Convocation be returned to the Lord Treasurer, for his extraordinary Kindness to this Country, in relation to the Contract with her Majesty for our Tin, and to pray the Continuance of his Lordship's Favour to the Tinnars.

Ordered, That the said Thanks be returned to the Lord Treasurer by a Letter from this Convocation, and that the Speaker do prepare the same.

Ordered, That the Assistants be called in.

The Assistants being called in, presented the Convocation a Paper which they offered to their Consideration.

Ordered, That the Assistants do withdraw.

Ordered, That the Paper delivered in by the Assistants, be now read.

Ordered, That a Clause be brought in, pursuant to the Desire of the Assistants.

Ordered, That Mr. Manley do prepare and bring in the same.

The Messengers being returned, reported, that the Lord Warden will be attended by this Convocation to morrow by Eight of the Clock in the Morning, in the Coinage-Hall.

Mr. Pollard reported from the Committee appointed to draw up the Address to her Majesty, that they had prepared the same, which he had delivered in at the Table.

Ordered, That the said Address be read.

Ordered, That the same be read a second time.

Ordered, That the said Address be engrossed.

Mr. Manley reported from the Committee appointed to draw up an Address to the Lord Warden, that they had prepared the same, which he delivered in at the Table.

Ordered, That the said Address be read.

Ordered, That the said Address be read a second time.

Ordered, That the said Address be engrossed.

Ordered, That the Convocation be adjourned till Eight a Clock to morrow Morning.

Die Veneris 24to Septemb' 1703.

Mr. Speaker acquainted the Convocation, that he had prepared a Letter of Thanks to be sent to the Lord Treasurer.

Ordered, That the said Letter be read.

Ordered,

Ordered, That the same be transcribed by the Clerks, and signed by the Convocation.

Mr. *Hoblyn* offered to the Convocation, a Clause to be added to the Act for Confirmation of the several Acts of Convocation in the Twentieth Year of King *James* the First, the Twelfth Year of King *Charles* the First, and the Fourth Year of King *James* the Second.

Ordered, That the said Clause be read.

Ordered, That the said Clause be read a second time.

Ordered, That it be engrossed.

Mr. *Hoblyn* likewise offered to the Convocation a Proviso to be added to the said Act, to save and indemnify all Persons from any Forfeitures and Penalties they have incurred for the want of the Proclamation of the Acts of Convocation made in the Fourth Year of King *James* the Second.

Ordered, That the said Proviso be read.

Ordered, That the same be read a second time.

Ordered, That the said Proviso be engrossed.

Ordered, That the Committee appointed to consider how to dispose of the Money to be raised for defraying the necessary Charges of this Convocation, do withdraw, and report their Opinion forthwith to this Convocation.

Ordered, That Mr. *Bellot*, Mr. *Sawle*, Mr. *Courtney*, Mr. *Manley*, and Mr. *Pollard*, be added to the said Committee.

Mr. *Vincent* reported from the Committee appointed to consider how to dispose of the Money that shall be raised, that they had come to several Resolutions, which he read, and which, with some Amendments, were agreed unto by the Convocation, and are as followeth.

Resolved, That it is the Opinion of the Committee, that Eighty Pounds be paid to the Clerks of this Convocation, by the Receiver of the Dutchy of *Cornwall*, or his Deputy, for their Labours in attending this Convocation, upon producing or shewing to the said Receiver, or his Deputy, an Account from the Convocation, that they have delivered to them a Copy of the Journals of this Convocation, and a Copy of the Contract to each Coinage Town.

Ordered, That Fourteen Pounds be given to the Door-keeper and Attendants, and paid them by the Receiver, or his Deputy.

Resolved,

Resolved, That Twenty Guineas be given to the Lord Warden's Secretary, for the Pains he hath taken in the Business relating to the Convocation, and be likewise paid by the Receiver, or his Deputy.

It is the Opinion of this Committee, that the Residue of the Sum appointed to be risen for defraying the necessary Charges of this Convocation, be given to *John Manley*, Esq; for the Pains he has taken, and the Charges he hath been at, in the Affairs relating to the Contract with her Majesty.

Ordered, That Mr. *Hanmer* be paid Twenty Pounds of the Eighty Pounds given to the Clerks, the said Mr. *Hanmer* doing his Share of the Business, and paying his Proportion of the reasonable Charges the Clerks have been at.

Ordered, That the Assistants be called in, and that the Speaker acquaint them how this Convocation hath disposed of the Money risen by them for defraying the necessary Charges of this Convocation.

Ordered, That the Assistants do withdraw.

Ordered, That the engrossed Address to her most Gracious Majesty be now read, which is as followeth.

To the Queen's most Excellent Majesty.

The Humble A D D R E S S of the Convocation, or Parliament of Tinnors, assembled at Truroe the Sixteenth Day of September, in the Second Year of your Majesty's most happy Reign.

Most Gracious Sovereign,

WE your Majesty's most dutiful and loyal Subjects, by vertue of your Majesty's most gracious Commission granted to the Right Honourable our Lord Warden in Convocation assembled, are with the rest of your Majesty's loyal Subjects duly sensible of your pious Zeal and constant Care in maintaining the Church of *England* as by Law Established, as also of your exemplary Justice in preserving the Rights and Liberties of your People; the Sense of which Blessings can never be sufficiently expressed by your Subjects in general.

But We in a particular manner with all Duty and Gratitude acknowledge your Majesty's unparallel'd Goodness, in so graciously taking us into your Royal Consideration, and so seasonably relieving the languishing Estate of the Tinnors of *Cornwall*.

The

The many great Hardships they suffered beyond the rest of your Subjects in the late War, have made it evident they would have been in worse Circumstances in this, had it not been for your Majesty's gracious Condescension to take our Tin (the chief Product of our Country) at a certain Price, which distinguishing Mark of your Princely Compassion fully convinceth us, that no Foreign Difficulties can so far engage your Majesty's Thoughts Abroad, as to forget the Sufferings of your *English* Subjects at Home; and what adds to our Happiness is, the great Satisfaction we have in our Lord Warden, who by reason of his constant Zeal for our Establishment in Church and State, as well as for his natural Affection and tender Regard to this Country, may justly be said to inherit the Virtues of his noble Ancestors.

We humbly beg leave to return our unanimous and hearty Thanks to your Majesty for all the Favours, and particularly for being most graciously pleased to take Notice in your Commission to our Lord Warden, of the Loyalty of our Forefathers in that horrid Rebellion against your Royal Grandfather, King *Charles* the First, of ever-blessed Memory: And to assure your Majesty that we, who so largely partake of your peculiar Bounty, shall endeavour to follow, if not exceed their Examples of Duty and Obedience. That your Majesty may reign long and prosperous over us, and give Laws to your Enemies Abroad, as you do preserve them to your Subjects at Home, shall be the constant Prayers of your Majesty's most loyal Tanners of the County of *Cornwall*.

Signed by all the Convocation.

Ordered, That the Speaker with the whole Convocation, do desire the Lord Warden to present the said Address to her Majesty.

Ordered, That the engrossed Address to the Lord Warden be now read, which is as followeth.

To the Right Honourable John Lord Granville, Lord Warden of the Stannaries of Cornwall and Devon, Lord Lieutenant of the County of Cornwall, Lieutenant General of her Majesty's Ordnance, and one of the Lords of her Majesty's most Honourable Privy Council.

The Humble ADDRESS of the Convocation, or Parliament of Tinnars at Truroe assembled, the Sixteenth Day of September, in the Second Year of our Sovereign Lady ANNE.

May it please your Lordship,

WE the Convocation, or Parliament of Tinnars for the County of Cornwall, should want a due Sense of her Majesty's Royal Bounty and unparallel'd Goodness to us and to all the Tinnars of Cornwall, if we were not gratefully affected with the great Obligation we owe to your Lordship, from whose generous and successful Intercession we derive such distinguishing Marks of her Majesty's Princely Favour.

We were scarce recover'd out of the great Misfortunes this County suffered in the last War, when her Majesty, for the Defence of her own Dominions, and to preserve the Ballance of *Europe*, was necessarily engaged in the present; which gave us great Reason to apprehend, that much greater than our former Miseries would fall upon us; but her Majesty's gracious Consideration of us, upon your Lordship's Representation, hath dissipated all our Fears.

This great Benefit we acknowledged your Lordship was pleased to obtain for us, and also that after so long and unhappy Intermission of our Parliament, we have now the Honour to be assembled under you, and thereby Opportunity to consider, and with the Assistance of your Lordship's great Wisdom, to apply, proper Remedies to the evil State of the Stannaries, which we are confident will quickly be in a flourishing Condition. We cannot so much acknowledge your Lordship's indulgent and generous Expressions of your Affection and Care of the Prosperity of the Tinnars and this whole County. We esteem it our peculiar Happiness, that her Majesty hath placed your Lordship over us, whose early and constant Zeal, after the glorious Example of your noble Ancestors, for the Established Government of this Kingdom in Church and State, do justly render you an Ornament and Delight of your Country, and oblige us all to pray, that we may long enjoy the Happiness of being under your Lordship's Directions and Government, whose Command for her Majesty's Service, we shall upon all Occasions unanimously and heartily obey.

Signed by all the Convocators.

Ordered,

Ordered, That Mr. Speaker with the whole Convocation do present the same to his Lordship.

Ordered, That the engrossed Act intituled, *An Act for Confirmation of the several Acts of Convocation in the Two and twentieth Tear of King James the First, and the Twelfth Tear of King Charles the First, and the Fourth Tear of King James the Second,* be now read.

Ordered, That the said Act do pass, and that Mr. Speaker do desire my Lord Warden, that his Lordship would cause the said Act of Convocation now made, and the rest thereby confirmed, to be printed and published.

Ordered, That the Letter of Thanks sent from the Convocation to the Lord Treasurer, be now read, and that the same be entred into the Journals of this Convocation ; which is as followeth.

May it please your Lordship,

THE Convocation having now happily concluded the Contract with her most gracious Majesty for the Peremption of our Tin, and being truly sensible of your Lordship's extraordinary Favour and Kindness, in encouraging and promoting this Work, so beneficial to this County in general, and the Tinnors in particular, think themselves obliged, with all the Chearfulness imaginable, to return your Lordship their unanimous and most hearty Thanks on behalf of themselves and these they represent. And 'tis no little Satisfaction to us, my Lord, to see, that amidst all the weighty Affairs which your Lordship daily labours under, and which with so great Integrity you dispatch, the Tinnors of *Cornwall* have so large a Share of your Lordship's Thoughts; and when we consider the Affection and tender Regard your Lordship has upon this, as well as all other Occasions expressed, to our County, we cannot in the least doubt but that you will readily grant what we heartily pray for, the Continuance of your Lordship's Favour, which shall ever be most gratefully acknowledged by,

Signed by all the
Convocators.

My LORD,

Your most Obliged Humble Servants.

*To the Right Honourable the
Lord Godolphin, Lord High
Treasurer of England.*

Ordered,

Ordered, That the Speaker do desire the Lord Warden to deliver the said Letter to his Lordship.

Ordered, That Mr. *Bridges* and Mr. *Manley* do wait on the Lord Warden, to know when his Lordship will be attended by this Convocation.

Mr. *Manley* being returned, reported that the Lord Warden will be attended immediately in the Coinage Hall.

Resolved, That this Convocation attend the Lord Warden accordingly, and that the Speaker do present to his Lordship the several Acts of this Convocation for his Lordship's Assent and Confirmation. And after the Lord Warden had ratified and confirmed the said Acts, the Convocation was prorogued to the Eleventh Day of *April* next.

To the Queen's most Excellent Majesty.

Most Gracious Sovereign,

WE your Majesty's most dutiful and loyal Subjects, in Convocation or Parliament of Tinnars at *Truroe*, the Twentieth Day of *April*, 1710, assembled, do think it our Duty to make our utmost Acknowledgments to your Majesty, not only for the Blessing we enjoy in an equal Degree with the rest of your Subjects, but as becomes us in a particular manner, for your Royal Indulgence to this County, in the late Contract for our Tin at the Beginning of a War, when the Tinnars were under the greatest Apprehensions of being reduced to extream Misery.

And as we are truly sensible your Majesty proposed by that Contract, no other Advantage but that of the Tinnars of your ever loyal County of *Cornwall* (whose Merits and Sufferings were so graciously recommended by your Majesty's Royal Grandfather to this Posterity) so we beg leave to assure your Majesty, we are now met together with Hearts fully disposed to enter into a new Contract on such Terms your Majesty may not be a Loser.

But we should think our selves wanting in Duty to our Country, if we did not represent to your Majesty, that since the Instructions annexed to the Lord Warden's Commission for holding this Convocation, by which we are to abate Five Shillings *per Cent.* were granted, the Exportation Duty of Three Shillings *per Cent.* on Tin is taken off, which, we humbly conceive, was designed for the Advantage of the Tinnars; and tho' your Majesty will have an immediate Benefit on all the Tin which remains unfold on the old Contract, as well as on that Tin you will receive by the new, yet we are willing to accept of 3 *l.* 5 *s.* *per Cent.* Stannary-Weight, for our Tin during the War, and only presume to beseech your Majesty that we

we may have 3*l.* 8*s.* in Time of Peace; otherwise (Tin being the Staple Commodity of this County) we shall not equally partake of that Blessing with the rest of our Fellow Subjects.

We farther beg leave to represent to your Majesty the great Sufferings the poor Tinnors laboured under during the late Contract, by a constant Surplus, which obliged them to sell their Coinage-Bills at a great Discount; and having just reason to apprehend that this Contract will begin with a new Surplus, we think our selves obliged to desire, that sufficient Care may be taken to prevent it; and therefore we make it our humble Request to your Majesty, that you will be graciously pleased to order the Lord Warden's Instructions to be enlarged in these Particulars.

We also think it our Duty to inform your Majesty, that 3*l.* 8*s.* *per Cent.* Stannary Weight, is a lower Price than was ever contracted for in any Farm; and that it is the unanimous Opinion of the most experienced Tinnors, that the whole Tin of this County upon Avaridge, cost the Adventurers about 3*l.* 10*s.* *per Cent.* Merchant Weight; that all our old Mines are wrought very deep, and consequently must grow daily more chargeable; that the Wages of the labouring Tinnors are already reduced so low, as but barely necessary for their Subsistence, and that likewise since the Date of the Instructions to the Lord Warden, a Duty upon Candles has by Act of Parliament been laid, which is a very great additional Expence in praising of our Tin: All which in the most humble and the most dutiful manner, is submitted to your Majesty's most wise and gracious Consideration, by

Your Majesty's ever Faithful

and truly Loyal Subjects,

James Buller, <i>Speaker.</i>	John Tredenham,
Francis Scoble,	Sam. Ennis,
Granville Piper,	Nicholas Morris,
John Pollard,	Hugh Piper,
Thomas Trewren,	Tho. Tonken,
Samuel Trefusis,	Richard Vyvyan,
Ed. Hearle,	Henry Vincent.

My Lord Warden's Answer.

Gentlemen,

I AM glad of this Opportunity thus publickly to let you know, that I cannot charge my self with any Address to her Majesty, until you have given me a direct Answer, whether you will accept the Farm on the Foot I have been impowered to offer it to you, or not; and the Reason is, I can never be consenting to its Method, which I am convinced will prevent this Contract, without which I think the Country ruined, and by which we may make our selves and our poor Neighbours happy; for by the Endeavours I have already used to procure better Terms, if possible, I am satisfied we shall be so far from obtaining them, that I verily believe we shall not again get those, if we do not take them whilst in our Power.

The Address above not sent.

AT a Convocation of Twenty four Stannators, or Parliament of Tinnars for the Stannaries in *Cornwall*, held at *Truroe* in the said County of *Cornwall*, the Twentieth Day of *February*, in the Eighth Year of the Reign of our Sovereign Lady *Queen Anne*, over *Great Britain*, &c. before the Honourable *Hugh Boscawen*, Esq; Lord Warden of the Stannaries of *Cornwall* and *Devon*, by vertue of her Majesty's most gracious Commission under her Privy Seal to the Lord Warden directed, bearing Date at *Westminster* the Thirteenth Day of *January* in the said Eighth Year of her Majesty's Reign, and by several *Prorogations* continued and put over unto the Twentieth Day of *April*, in the ninth Year of her Majesty's Reign.

Stannators returned by the Mayor and Council of the several Stannary-Towns.

Blackmore.

Edward Herle,
Edmund Prideaux,
John Tredenham,
Samuel Trefusis,
Paul Orchard,
John Burlace,

Esq;

Tywarnhaile.

Richard Edgcombe,
Henry Vincent,
John Pollard,
Thomas Tonken,
Samuel Ennis,
Samuel Foot,

Esq;

Foymore.

Sir Nicholas Morrice, Bart.
James Buller,
Hugh Piper,
Granville Piper,
Francis Scobel,
Thomas Trewren,

Esqs;

Penwith and Kirrier.

Sir Richard Vyuyan, Bart.
Christopher Harris,
John Trelawney,
Renatus Bellot,
Francis Hoblyn,
Sampson Hill,

Esq;

Pursuant

Pursuant to the Returns, the Convocators all met (excepted *John Manley, Esq;*) and proceeded to the Choice of a Speaker.

Resolved, Nemine contradicente, That *James Buller, Esq;* be Speaker of this Convocation.

Ordered, That *Sir Richard Vyvyan, Bart.* and *Richard Edgcombe, Esq;* do attend the Lord Warden, to know his Pleasure when this Convocation shall present him their Speaker.

The Messengers being returned, reported, that the Lord Warden will be attended by this Convocation with their Speaker this Afternoon, by Four a Clock in the Coinage-Hall.

Ordered, That *Henry Polkinborne, Thomas Wadden,* and *John Woolridge, jun. Gent.* be our Clerks, and that they do attend us, and execute our Commands from time to time during this Convocation.

Mr. Speaker acquainted the Convocation, that he had obtained a Copy of the Lord Warden's Speech at the opening this Convocation, which he read, and is as followeth.

Gentlemen,

THE Privy Seal you have heard read, will sufficiently acquaint you with her Majesty's most gracious Intention in calling us together at this time; and the Copy of my Instructions, which I am ready to lay before you, will also let you see the utmost Length of the Powers which I have the Honour to be intrusted with for your Service.

The present Proposition for a new Contract is reduced to the lowest Terms, which can consist with her Majesty's not continuing still a Loser; and since the Advantage intended by it is wholly to the Country, there is no need of using any other Inducements with Gentlemen, who must thoroughly understand its Interest, to a ready and thankful Acceptance of the Favour.

There is one Inequality in the Distribution of the great Advantages which our Country receives from these our Contracts with the Crown, that the Western Parts of us are always postponed of Necessity in their Payment. To this Inconvenience I know of no Remedy so natural and proper as our Agreement (if you think fit) to make the Commencement of the Coinage in each Quarter alternate. And if in this, or any other needful Regulation in the Management of the Stannaries, you shall judge my Service can be of any Use, as the Knowledge I have of her Majesty's singular Affection to this her ever loyal Country, gives me just Hopes they will not be employed in vain; so I shall think my self infinitely happy, that at the same time I am pursuing the true and proper Interest of this my native County, I may have the Honour also of
being

being so far an Instrument towards the Service of her Majesty, in the general Aim and Endeavour of her Government, to contribute the utmost in her Power, to the universal Ease and Happiness of all her Subjects, over whom I pray God to grant her long to reign in all Prosperity and Peace.

Ordered, That the Thanks of this Convocation be given to the Lord Warden, for his excellent Speech to the Convocation.

Ordered, That the whole Convocation do attend the Lord Warden with the same.

Ordered, That Mr. *Edgcombe*, Mr. *Harris*, and Mr. *Ennys* do attend the Lord Warden, to know his Pleasure when he will receive the Thanks of this Convocation.

THE *Speaker* acquainted the Convocation, that he had obtained a Copy of the Lord Warden's Speech at the opening this Convocation, which he read, and is as followeth.

Gentlemen, you have heard that, with sufficient reason, you wish her Majesty's most gracious Letters in calling us together at this time; and the Copy of my Instructions, which I am ready to lay before you, will shew you the utmost Latitude of the Powers which I have the Honour to be intrusted with in your Service.

The present Proposition for a new Contract is reduced to the lowest Terms, which can consist with her Majesty's not continuing still a Lord; and since the Advantage intended by it is wholly to the Country, there is no need of any other Inducements with Gentlemen, who must thoroughly understand its Interest, to a ready and thankful Acceptance of the Favour.

There is one Inequality in the Distribution of the great Advantages which our Country receives from these our Contracts with the Crown, that the better Part of us are always postponed or Necessary in their Payment. To this Inconvenience I know of no Remedy so natural and proper as our Agreement (if you think fit) to make the Commencement of the Coinage in each Quarter after the first of the Year, or any other needful Regulation in the Management of the Summies, you shall judge my Service to be of any Use, as the Knowledge I have of her Majesty's singular Affection to this her loyal Country, gives me just hopes they will not be employed in vain; so I shall think myself infinitely happy, that at the same time I am pursuing the true and proper Interest of this my native Country, I may have the Honour also of being

THE
COURTS
OF
STANNARIES
IN
CORNWALL and DEVON.

THE Style of the Courts of Stannaries always hath been during the Reign of *H. IV. H. VI. and Eliz. Magna Cur' Dom' Regis Ducatus sui Cornubiæ apud Crockerenton in Comitatu Devon' coram B. R. Custode Stannariæ dict' Dom' Regis in dicto Com' Devon'.*

The Jurisdiction of this Court is guided by special Laws, by Customs, and by Prescription, time out of Mind.

The first Process of the Stannary-Court is a Summons; and for want of Appearance on the Service thereof, a *Distingas* issues to distrein the Goods until the Defendant appears; if no Goods, a *Capias* issues to arrest the Body of the Defendant; if arrested and appears not the third Court, he is condemned. If the Defendant appear, then the Plaintiff declares his Cause of Action, and proceed to Issue and Tryal; and, as in Cases of the like Nature in other Courts, after Verdict no Execution can be awarded till the next Court Day, when the Party against whom the Verdict is, may, if he think fit, appeal to the Vice-Warden, and not relieved there, to the Lord Warden, and from thence to the Prince's Council.

33 E. 1. Rot' Cart' pro Stannator' nostris in Com' Devon' & Cornub' grant to them, &c. of their Privileges, viz. *Tout in forsq; del liens, del Prisons, scilicet Lostwithiel pro Cornub' & Lydford pro Devon' & del Coinage, viz. Lostwithiel, Bodmyn, Liskerret, Truroe & Helstone in Cornub'*

33 E. 1. *Libero Parliamen' ad Petitionem Stannar' Cornub' conceditur Char' Libertatum, juxta formam Confirmat' Regis Hen. pro se non conjunctim cum Stannator' Devon' &c.* 1 E. 2. Rot. Patentium concessio Minerariis Regis in Minera Regis in Com' Devon' quod ipsi a die consecutionis presentium pro Quadrien' prox' sequen' completum, liberi sunt,

The Residue of this Placitum is printed according to the Original.

2 Danvers
Abridgment,
fo. 302.

sunt, & quieti in Civitatibus, Burgis, Villis, Mercatis, & aliis locis quibuscunq; in Com' Devon' præd' & aliis Com' vicinis, de Theoloneo & omnibus aliis consuetudinibus, præstantis de quibuscunq; necessariis pro victu & vestitu eorum Minerariorum ibidem emendis. Et quod de transgressionibus, occasionibus, personalibus, seu placitis aliquibus, &c. non placitent, nec placitentur contra voluntatem suam, nisi coram Custode nostr' præd' Minerae & Vicecomit' nostr' ejusdem Com' qui pro tempore fuerint, vobis omnibus & singulis firmiter inhibentes.

4 H. 8. c. 8.

4 H. 8. Cap. 8. If any Persons shall be sued, accused, indicted, imprisoned, amerced, condemned, or otherwise vexed or troubled in his Person, Lands, Tin-Works, Goods, or Chattels, by any of the Ministers or Officers of the King's Courts.

The Court of Trematon in Cornub' is not any Stannary-Court, for the Stile of the Court is *Manerium de Trematon Cur' Dom' Regis ibidem tent' coram J. S. &c.*

Cook Ent.
293.

A Writ of Error lies in B. R. upon a Judgment there, and they may hold Plea there of Replevins. Co. Book of Entries, fo. 293. between Walter Skelton and Starkey, 15 Rot. 78.

Cro. Car. 333.
Roll. Abridg.
314. vid. with
the Notes there.

If a Suit be in the Dutchy-Court of Calstock in Cornub' touching a Copy-hold, and after a Verdict, Mr. Coryton the Vice-Warden grants a Mandate to the Steward of the Court not to give Judgment, for that the Defendant had petitioned him in point of Equity, and a Prohibition was granted upon a Surmise, that the Vice-Warden hath nothing to do, as Vice-Warden, in the Dutchy-Courts. But there hath been a Usage to appeal to the Lord Warden, as Chief Steward of the Dutchy, for Matters of Equity; and Mr. Coryton was only Vice-Warden of the Stannaries by his Patent, and not Deputy Steward of the Dutchy. Tr. 10 Car. upon the Motion of Mr. Attorney General, a Prohibition granted.

For any Mat-
ters touching
the Stannaries.
Otherwise on
a Judgment
there given on
Collateral
Matters,
3 Roll. 183.

No Writ of Error lies upon any Judgment in these Courts, but the Party grieved must be relieved by Appeal in several Degrees; first to the Steward of the Stannaries where the Matter lies, then to the Vice-Warden, and from him to the Lord Warden, and for want of Justice there, to the Prince's Privy Council. 4 Instit. 230.

Resolved by all
the Judges.
2 Roll. Rep.
44 & 45.

Blowers, and all other Labourers and Workers, without Fraud or Covin, in and about the Stannaries in Cornwall and Devon, have the Privilege of the Stannaries during the Time they work there. 4 Institut. 231. Resolved by all the Judges.

4 Instit. 231.

Transitory Actions between Tinner and Tinner, or Worker and Worker, tho' not concerning the Stannaries, nor arising therein, if the Defendant be found within the Stannaries, may be brought in these Courts, or at Common Law. 4 Instit. 231. Resolved by all the Judges.

But

But if one Party only be a Tinner or Worker, such Transitory Actions which concern not the Stannaries, nor arising therein, can't be brought there. *4 Instit. 231.* resolved by all the Judges. And *4 Instit. 231.* in such Case the Defendant, by the Custom and Usage of that Court, may plead to the Jurisdiction, and ought not to be arrested *cundo* to swear it, or *redeundo*.

There ought to be no Demurrer in these Courts, for want of Form, and for Matters of Substance only. *4 Instit. 231.* Resolved *4 Instit. 231.* by all the Judges.

They have no Jurisdiction of Local Actions arising out of the Stannaries; and Matters of Life, Members, of Plea of Land, are expressly excepted out of the Charters. *4 Instit. 231.* Resolved by *4 Instit. 231.* all the Judges.

Defendant pleaded to the Jurisdiction of the Court, reciting *Rep. 849.* *Char. E. 1.* and setting forth that he was a Tinner; Plea held good, *1 Roll. 295.* but the Defendant ought to shew the Patent, because he was privy to it.

It is usual to grant Prohibition before Judgment to the Stannary-Courts; but *dubietur* whether it lies after Judgment. But all agreed *2 Roll. 253.* *254.* it better to acquaint the Prince's Attorney General; and that in Case a Prohibition being prayed after Judgment, there (the Court said) to stop Execution, an Attachment should issue, and shew Cause why a Prohibition should not go.

The Courts prescribe to hold Plea of any Sum, if it be in Matters touching the Stannary.

A Prohibition was prayed against the Lord Warden of the Stannaries and his Deputy, and against *R. A.* and others, for that they procured an Order, or Decree, for Payment of a Sum of Money without any Bill or Summoning the Defendant to appear, and without any Answer or Sentence of the Court; so that Proceedings were *Coram non Judice*, and without any formal Cause, were illegal; *Cro. Car. 333.* and the King's Courts shall take Notice when Proceedings are irregular; and further, that the Jurisdiction of the Stannaries is only for Tin Matters, and where the Persons, or one of them be a Tinner; whereupon a Prohibition comprising all this Matter was granted. *Roll. 314.*

It was objected in *Michaelmas* Term, *4 Jac.* that the Charter of *E. 1.* extends only to Tin within the Lands of the King himself; *Vid. 12. Cook,* but was resolved, that by the Clause *sodere & fundere Stannum* *fo. 11.* *terris nostris & vastis nostris, & aliorum quorumcunque, &c. sicut antiquitas consuevit, &c.* By which was manifest, that the King hath all the Tin, as well in the Land of the Subject, as in his own proper Demesne.

There

There are two several Charters of Liberties and Privileges, both bearing Date the Tenth of April, Anno 33 E. 1. the one *ad Emendationem Stannariarum nostrarum in Com' Cornub'*, and the other *ad Emendationem Stannariarum nostrarum in Com' Devon'*; these Charters were confirmed Anno 35 E. 1. the 1 E. 3. and 17 E. 3. And in the 50 E. 3. an Exposition of the said Charter was made by Parliament. Char. E. 1. was confirmed to the Tinnars of Cornwall, at their Suit 8 R. 2. It was also confirmed to the Tinnars of Devon, at their Suit Anno 1 E. 4. and 3 H. 7.

Vid. Stat.
11 H. 7.

11 H. 7. Cap. 4. Certain Weights and Measures should be used throughout all England, provided always that this Act should not extend, or be any ways hurtful or prejudicial to the Prince within the Dutchy of Cornwall, or any Weights belonging to the Coinage of Tin within the Counties of Cornwall and Devon, but that such Weights should be used, &c. as hath been accustomed.

35 E. 1.
2 Danver's
Abridgment,
fo. 302. Tit.
Stannaries.

Hill. 35 E. 1. B. R. Walter Wallins, Stannator, was indicted at Exeter before the Justices Itinerant, for killing Walter Wallins, the Son of his Brother, in Decena de Holme; and after it is there said, *quod locus in quo interfectus fuit, fuit infra libertatem Stannariæ*; and after the Defendant rendred himself to the Sheriff of the County of Devon; and after Thomas de Swinesay, Custos Stannariæ, came to the Sheriff, and required him to deliver the said Defendant to him; upon which the Sheriff delivered him to the said Thomas, by which the Defendant was ductus ad Goalam de Lydford, in libertate ejusdem Stannar'; and after it is said, *quod Defendens adhuc est in Lydford, infra libertatem præd' Stannar'*; and after it is demanded of the Sheriff, wherefore he delivered the Defendant to the Custos of the Stannary; who said, that he demanded by Force of the said Charter 33 E. 1. upon which they were adjourned to Westminster coram Rege, and a Day given to the said Custos and to the said Defendant, to answer it; but the Custos did not come, but excused himself by Sicknefs, and for the Damage that might arise in the Stannaries by his Absence; but the Defendant appeared there, and pleaded Not Guilty.

2 Danv. ut
supra.

W. B. and T. G. are sued by Writ of Conspiracy by J. T. for appealing him of a Robbery 3 E. 2. &c. Upon which comes P. W. and shews the Letters Patents of 33 E. 1. which are entred in hæc Verba; and thereupon P. W. demands Connufance of this Plea, for that the Defendants sunt Stannatores curiam habere non debent, quia dicit, quod ista sequela jam pro quinque dies versus præd' Des' & alios continuata est; absque hoc, quod præd' P. W. vel aliquis alius eorum Ballivus, Curiam suam inde petiisset, vel Chari' præd' ostendisset: Dicit etiam, quod cum contineatur in dict' Chari' quod præd' Stannator operantes in Dominicis Regis, dum operantur in eisdem Stannar', liberi esse debeant & quieti de omnibus placitis & querelis Curias Regis tangent. Et cum præd' P. W. asserit, præd' Stannator coram nullo Justiciari

ciario Regis vel Ministro, nisi coram eorum Custode, non debere respondere, præd' Defend' non sunt operantes in Dominicis Regis, nec alibi operantes, & hoc offert verificare prout, &c. Profert etiam quandam Commissionem & quoddam Breve Regis, pro quod quidem Breve idem Rex præd' W. B. & alius mandavit quod Thom' de la Hyde Custodem Stannariae Regis præd' in socium admittant, ipso Thom' tunc ibidem præseste & præd' Commissionem admittente. And the said Defendants being demanded whether they will, answer, that not till it be determined whether they shall have their Court; and the Plaintiff demands Judgment as in Defensum, upon which a Day is given over ad audiendum Judicium, but nothing done in the Roll.

Touching allowing or disallowing of Writs of Error, concerning Causes determinable in the Stannary Courts in Cornwall, was by Order of the Lord Chancellor refered to the Master of the Rolls and the two Justices; whereupon hearing Council learned on both sides, and on Consideration of the antient Customs, Liberties and Charters, made their Report, that they did not think it convenient, that any Writs of Error should pass, or be suffered to reverse any Judgment or Execution there depending.

Mich. 4 Eliz.
Trewyn-
nard's Case.
Vid. simile
Dyer, fo. 376.

Co. Infit. 229.

The same Case was depending in the Star-Chamber, Mich. 7 Eliz. by two Bills there depending, for several Defendants seizing and taking Cattle, the Goods of the Plaintiff, on an Execution from the Stannary-Courts, was by the said Court dismissed, referring the Proceedings on the said Judgment to the Order of the Stannary-Court, according to diverse Customs and Liberties, ratified by several Acts of Parliament, where it does appear, that in Case any Complaint for Defect of Justice, the same is to be referred in several Degrees, first to the Steward, then to the Vice-Warden, and from him to the Lord Warden, and, for Default of Justice at his Hands, to the Prince's Privy Council, and not examinable here, or in any other Court.

Mich. 4 Eliz.
Erroneous
Judgment to
be reversed by
Appeal to the
Steward, Vice-
Warden, and
Lord Warden;
and for defaults
of Justice, to
the Prince's
Privy Council.

Term' Mich'
4 Jac' Regis.

The Resolution of all the Judges (by Force of his Majesty's Letters) concerning the Stannaries in Devon and Cornwall, upon the bearing of the Counsel Learned of both Parties at several Days, and what could be alledged and shewed on either Party; and upon View and Hearing of the former Proceedings in the Courts of the Stannaries, both before and since a certain Act of Parliament made concerning the Stannaries in 50 E. 3.

See this Act of
Parliament
before set forth.

First, WE are of Opinion, that as well Blowers as all other Labourers and Workers, without Fraud or Covin, in or about the Stannaries in Cornwall and Devon, are to have the Privilege of the Stannaries, during the time that they work there.

Secondly, That all Matters and Things concerning the Stannaries, or depending upon the same, are to be heard and determined in those Courts according to the Custom of the same, time out of mind of Man used.

*Thirdly, That all transitory Actions between Tinner and Tinner, or Worker and Worker, (tho' the Cause be collateral) and not pertaining to the Stannary, may be heard and determined within the Courts of the Stannaries, according to the Custom of the said Courts, albeit the Cause of Action did rise in any Place out of the Stannaries, If the Defendant be found within the Stannary, or may be sued at the Common Law, at the Election of the Plaintiff: But if the one Party only be a Tinner, or Worker, and the Cause of Action being transitory and collateral to the Stannary, do rise out of the said Stannaries, then the Defendant may, by the Custom and Usage of those Courts, plead to the Jurisdiction of the Court, that the Cause of Action did rise out of the Stannaries and the Jurisdiction of those Courts, which by the Custom of the Court he ought to plead in proper Person upon Oath; and if such Plea to the Jurisdiction be not allowed, then a Prohibition in that Case is to be granted, and if in that Case the Defendant do come to plead to the Jurisdiction of the Court upon his Oath, he ought not to be arrested *eundo, redeundo, vel morando*, at the Suit of any Subject in any Corporation, or other Place where the said Courts of the Stannary shall be then holden.*

Fourthly, If the Defendant may plead to the Jurisdiction of the Court in the Case before mentioned, and will not, but plead and admit the Jurisdiction of the Court, and Judgment is given, and the Body of the Defendant taken in Execution, the Party cannot by Law have any Action of false Imprisonment, but the Execution is good by the Custom of the Court: But if in that Case it doth appear

pear by the Plaintiff's own shewing, that the Contract or Cause of Action was made, or did rise out of the Stannaries, and the Jurisdiction of those Courts; or if it appear by the Condition of the Bond, whereupon the Action is grounded, that the Condition was to be performed in any Place out of the Jurisdiction of those Courts, then all the Proceedings in such Cases, upon such Matter apparent, are *coram non Judice*.

Fifthly, We are of Opinion, that no Man ought to demur in that Court for want of Form, but only for Substance of Matter: As if an Action be brought there for Words which will bear no Action, or an Action of Debt upon a Contract against Executors, or Administrators, or such like; in such Cases a Demurrer may be upon the Matter, and that the Proceedings there must be according to the Custom of those Courts, used time out of mind of Man; for that no Writ of Error lieth upon any Judgment given there, but the Remedy given to the Party grieved, is by Appeal, as hath been time out of mind of Man accustomed.

Sixthly, That the Courts of the Stannary have not any Jurisdiction for any Cause of Action that is local, arising out of the Stannaries,

Seventhly, That the Privilege of the Workers in the Stannaries, doth not extend to any Cause of Action that is local, arising out of the Stannaries (for Matters of Life, Member, and Plea of Land, are by express Words excepted in their Charters;) and no Man can be exempt from Justice. *Vid. lib. Intr. Cook, fo. 467, Tit. Prohibition; and fo. 23. 293. b. in Error. Vide Fleta, lib. 6. cap. 7, 9. Servitia vero.*

*The Opinion of the Judges in the Third Year of
King CHARLES the First.*

*Abuses how re-
medied.*

AND we having perused all the rest of the Articles of the said Resolutions, are of Opinion, that they are to be pursued and followed in all things, and that if these Exemplifications shall be pursued hereafter, that then all the Proceedings in the Stannary-Courts, contrary to those Explanations, shall be void, and *coram non Judice*, in such sort as other things in the said Articles are appointed to be when they are not pursued, and that the Party grieved may take their Remedy in Common Law, and that Prohibition and *Habeas Corpus* may be granted in these Cases respectively, when any such Case shall happen.

Nicholas Glide,	Thomas Richardson,
John Walter,	Thomas Trevor.
John Durham,	James Whitlock,
William Jones,	Richard Hotton,
Francis Harris,	George Crooke,
Henry Telverton,	Thomas Trevor.

At Serjeant's Inn in Fleetstreet the Fourteenth Day of November in the Third Year of the Reign of our Sovereign Lord King Charles, by the Grace of our Lord God, &c. 1647. Car' Primo.

Whereas since the Resolution heretofore made by all the Judges, upon the Six and twentieth Day of November, in the Sixth Year of the Reign of our Sovereign Lord King James, concerning the Stannaries in Devon and Cornwall; which Resolution, by the Misinterpretation thereof, and by the enlarging of Resolutions in some Part, contrary to the exprefs Words thereof, and by some Miscarriage of some of the Under Officers there, and likewise of the Bayliffs great Grievances and Vexations, which have of late happened and appeared to the Inhabitants of the County: And whereas the Right Honourable William Earl of Pembroke, Steward of the King's Household, Lord Warden of the Stannaries, and one of his Majesty's most Honourable Privy Council, hath referred the Explanation of the said Resolution, and Ordering of the said Differences to all his Majesty's Judges:

We have perused the said Resolutions, and having had the Counsel learned on both sides, and having heard also his Majesty's Attorney General, we do explain the first Article of the said Resolution as followeth; "That is to say, As well Blowers as all other Labourers and Workers, without Fraud or Covin, in and about the Stannaries of Cornwall and Devon, to be taken for such Tinnerns as are to have their Privileges to sue and to be sued in the Courts of the Stannaries, during the Time they work there, and no longer, and no other Tinner whatsoever; for altho' many Persons be styled Jurors of the Stannary-Courts, Owners, Adventurers, Undertakers in Tin-Works only (to sue and to be sued in the Stannary-Courts, and not elsewhere) are such Tinnerns as are Blowers, and all other Labourers of the said Work, during the Time or Attendance of this Work, and no longer, and no other Tinnerns to appear so to be by former Act of Parliament, as well in the Fiftieth and Fifty first Years of the Reign of King Edward the Third, when Richard Duke of Cornwall interceeded, as also in the Eighth Year of the said Richard when he was King, which was finally resolved upon accordingly, in these Words following.

*For our Stannaries in the Counties of Cornwall and Devon, the
King sendeth Greeting.*

WHereas amongst other Liberties and Privileges granted to the Stannaries in the said Counties, by the Charter of the Lord *Edward*, sometimes King of *England*, with the Son of our Progenitors, sometime King of *England*, our Grandfather and the late *Edward* King of *England* our said Father, confirmed by their Charters to all the aforesaid Stannaries, working in the said Stannaries, which are our Demesnes, while they work in those Stannaries, be free, we will, and our Sovereign Lord our Grandfather, by his Letters Patents, that those Workers abovementioned be taken and clearly understood of Labouring Tinnars only in these Stannaries, without Fraud or Deceit, and not other elsewhere working.

And as touching the third Article of the said Resolution, which doth concern the Extent of the Stannaries, what Place or Places shall be taken to be within the Stannaries, and what Places be without, was controverted before us; We are of Opinion, That every Village, Tithing, or Hamlet, and all Tenements, Commons and Moors, Wastes and Grounds, within any of the said Villages, Tithings, or Hamlets, wherein any such Tin-Works now are, or hereafter shall be found or wrought, shall be taken and accounted to be within the Stannaries, during the Time of the Continuance of any such Work, and no longer, and no other Place; which is also confirmed by the said last mentioned Resolution the Eighth of *Richard* the Second, in these Words, "And for the said Article, "that the Steward of the Court, or his Deputy, may hold all Pleas "between Stannaries, arising within Stannary Jurisdictions, extend- "eth it according to the Force of the said Charter, in these Words, "viz. These Places where these Works do work, and not elsewhere, "neither in other manner, even in the Charter confirmed, and "the Letters Patents aforesaid confirmed.

To the Right Honourable William Earl of Pembroke, Knight
of the most Noble Order of the Garter, and Lord Warden of
the Stannaries.

IN all Humility beseeching your Lordship, the Tinnars of the County of Cornwall, That whereas according to our ancient Customs, Privileges, and Charters, granted unto us by his Majesty's Noble Progenitors, and hath hitherto enjoyed without Impeachment, your Lordship and your Noble Predecessors, Wardens of the Stannaries in the said County, and their Deputies, have used to hold Plea between Tinner and Tinner, and Tinner and Foreigner, in the Stannary Court, and in no other Court, of all Matters arising within the Jurisdiction of the said Stannaries (Pleas of Land, Life and Maim only excepted.) And whereas by the said Customs, Liberties and Charters, no Tinner should be convented, served, or compell'd to answer for any Cause, (Land, Life and Maim only excepted) before any other Judge, Officer or Magistrate, but only before the Lord Warden, or his Deputy (except it were by Course of Appeal from the Lord Warden to the Privy Council;) which our Liberties, Privileges and Customs, having been heretofore at sundry times controverted before the Lords of the *Star Chamber*, in the High Court of *Chancery*, in the *King's Bench*, and Court of *Common Pleas*, have receiv'd Allowance in all the said Courts, and the Causes brought before them have accordingly been dismissed, to be considered of and determined by the Lord Wardens for the Time being. And whereas also the late Queen *Elizabeth*, by her Letters directed to the Justice of Assize of the Counties of *Devon* and *Cornwall*, was graciously pleased to will and command all Judges, Justices, and other Officers whatsoever, for the Cause before mentioned, not to convent, precept, or compel any Officer or Bayliff of the Stannaries, or any Tinner, to answer for any Cause or Abuse arising within the said Stannaries, and determinable there; but that the Government, Judgment and Correction of all and singular such Cases and Matters, should from henceforth be permitted and suffered to have their Passage before the Officers of the Stannaries, and for Default of Justice at their Hands, by Appeal to the Warden, and from him to the Privy Counsel, as in former Times had been used, as by the said Letters it may appear: All which, notwithstanding diverse Foreigners have lately sued and arrested some of us Tinnars, and the Officers of the Stannary Courts, with Writs of false Imprisonment for executing of Stannary Process, and for suing them in the Stannary Courts for Causes determinable there, and stick not to threaten the same to your Lordship's Deputy in the said Courts; yea, and diverse Tinnars also, set on and encouraged thereunto by the malicious and covetous Humours of Attorneys at the Common Laws, have not feared to violate the Laws and Customs of the Stannaries for Appeals to be made to your Lordship; and (which hath not been heard of in our Courts before this Time) have procured

*A Petition of
the whole Body
of Tinnars to the
Lord Warden.*

cured out of diverse Courts at *Westminster*, Prohibitions to stay the wonted and due Proceedings of the Stannary-Courts, yea, and to deliver Parties in Execution out of Prison, which, because the Vice-Warden and Steward would not obey, they are threatened with Attachments, which they daily expect to be served on them; yea, and some Attorneys at the Common Law have incited diverse Men to call in question Judgments long since given and past, affirming, that the Judges are of Opinion, that all such are void, and *coram non Judice*, unless they be for Tin or Tin Causes, or between Working Tinnars only who are in Number and Degree the least and meanest Part of us, and for the most part are Foreigners, and hired to work in our Tin-Works for Day-Wages) who if they only shall be privileged, then shall the whole Body of the Stannaries be barred and excluded from their antient Privileges, Liberties, and Customs formerly used and enjoyed, and we (who do only bear the Charge and the Adventure of the Workmens uncertain and doubtful Labours) shall not only be discouraged from the hazardous Search of Tin, but shall be forced to leave our Works and Labours, by coming up to *London* to answer frivolous Matters, when we may have Justice at home, whereby many of us will be utterly undone, his Majesty's Custom and Peremption decayed, and in a short Time little or nothing worth.

Our humble Suit therefore unto your Lordship is, that as your Lordship hath already begun to protect our Privileges and Liberties, by punishing one Offender against the same, to the Terror of others, who are mainly bent and risen against us (for which your Lordship's Care and Providence in our Behalfe, we humbly thank your Lordship;) so your Lordship following your Honourable Course begun, and the worthy Steps of your Noble Predecessors, would be pleased to undertake our Cause, and to procure us to the quiet Enjoyment and Maintenance of our wonted Customs, Liberties, and Jurisdictions, by such Means and Courses as to your Lordship in Wisdom shall seem most meet and expedient; wherein we are enforced to be humble Petitioners unto your Lordship, praying God to send your Lordship happy Success therein, and long Continuance in all Prosperity and Honour.

This Petition of the Tinnars it pleased your Lordship to send to the Lords of his Majesty's Privy Council, desiring their Lordships by your Letters to take some Course therein; because by these Proceedings against the Stannaries, their Authority seemed to be no less infringed than your Lordship's. The Copies of which Letters follow.

MAY

MAY it please your good Lordships to understand, that whereas amongst other Privileges and Immunities granted by his Majesty's Noble Progenitors unto the Tinnars of the Stannaries of the Counties of *Cornwall* and *Devon*, and by his Majesty's Letters unto me (whom it pleased his Majesty to make their Warden) expressly required to put in Execution, one of the chiefest is, That they shall hold Plea amongst themselves of all Causes (some few excepted) arising between Tinner and Tinner, or between Tinner and Foreigner, and that they shall not be impleaded elsewhere, or be subject to answer for any Cause, Abuse, or Misdemeanor arising or growing within the Stannaries, before any Officer or Judge, saving their Warden only, or his Deputies, and for Default of Justice at their Hands, by Appeal before your Lordships; which Form of Proceeding hath been hitherto (altho' not without often Opposition) inviolably observed. Now of late diverse Attorneys at the Common Law, and some others maliciously affected to that Jurisdiction, have incited such as have been condemned in the Stannary-Courts, to sue unto my Lords the Judges, who, as it should seem, taking no Notice of such Jurisdiction, have suffered Process to go out against diverse Tinnars and Stannary Officers, compelling them to answer before them in Actions of false Imprisonment, for executing only the ordinary Process of the Stannary Courts, and have sent likewise unto me many Prohibitions (upon the only Informations of the Parties) commanding me to make void Judgments and Executions already granted, and to set the Parties and their Sureties at Liberty. My Care to observe his Majesty's Commandment in this Case, to maintain the Authority of your Lordships, no less impeached than mine, to satisfy the Tinnars, whose Overthrow and Confusion this Course carries with it (as by their Petition at large your Lordships may be fully advertised;) lastly, to secure my self and all other Stannary Officers from the Peril to be made Examples of Oppression, for executing only that which many Hundred of Years have construed for Law and Justice, makes me become an humble Suiter to your Lordships, that you will be pleased to take this whole Cause into your Consideration and Protection.

It is not the first time, that the poor Tinnars have in this very Point been relieved by that Honourable Table; and my Hope is, my Lords the Judges will not now begin to make new Constructions of Things or Names; but if I only do what hath been done in all Ages before me, I shall by their good Favours be left free from that Interruption, whereof till this Day there is no President. But I refer the whole to your Lordship's high Wifdoms, and humbly take Leave, at my House at *Baynard-Castle*, this Second of *February*, 1606.

Your Lordships humbly at Command,

PEMBROKE.

The Lords of his Majesty's Privy Council, immediately upon the Receipt of these Letters, informed his Majesty of this Difference; who conceiving how inconvenient it was for the Subject while Courts did strive for Jurisdiction, gave present Commandment, that no Prohibitions should be henceforth awarded into the Stannaries, nor that on the other Side there should be no just Cause given; and farther, gave Orders, that the two Lord Chief Justices should be informed by his Majesty's learned Council, and the learned Council of the Prince, of the Points in Question concerning that Jurisdiction, whereof they should report unto his Majesty their Opinions; which done, his Majesty would set down a final Order for the deciding of the Cause in Question: This was signified unto the two Lord Chief Justices, by his Majesty's Letters under the Privy Signet.

*A REPRESENTATION to the Lord Warden
of the Oppressions of the Tinnners.*

YOUR Lordship was scarcely settled in the Office of Lord Warden of the Stannaries, when the Jurisdiction of those Courts began to be called in Question, partly through the Misgovernment of some former Under Officers, but chiefly through the Malice and Covetousness of the Attorneys at the Common Law dwelling in those Countries; who, observing the Inclination of the Judges (now more than in former Ages bent against all private Jurisdictions) thought to make their Gain by overthrowing those Courts, and bringing all Causes accustomed to be determined there, now to be tried at *Westminster*.

The first Notice that your Lordship received thereof, was by the Petitions of the Parties grieved, some by Prohibitions, some by Actions either of Trespass or of false Imprisonment; at whose Request it pleased your Lordship to write Letters to the Judges, as followeth.

To my Honoured Friends the Justices of the Court of Common Pleas, and to every of them.

AFTER my very hearty Commendations, I receive daily Complaints from the poor Tin-Workers in *Devon* and *Cornwall*, that contrary to their Liberties long enjoyed, they are vexed with Proceſs for Tin Causes in other Courts, and not least in that Honourable Place where you are Judges. For my part, I have no Ambition to extend the Stannary Jurisdiction to farther Limits than former Ages have prescribed; and, on the other side, I may not permit that Authority to be impeached under me, which other Wardens have lawfully maintained. Wherefore I am to entreat you, that either upon Motion you will be pleased to dismiss the said Tin Suits, which, I am told, was the usual Remedy; or, if you desire farther Satisfaction, that then you will at least stay all Proceedings, until both his Majesty's and the Prince's Council may be instructed, whom for that Cause I shall procure to attend your Lordships. But my Hope is, that you will spare both the poor Mens Expences, and my unnecessary Trouble, which I will deserve by due Regard of you, and rest ever

*Lord Warden's
Letters to the
Judges of the
Common
Pleas.*

Your Affectionate Friend to command,

Feb. 12. 1605.

PEMBROKE.

The like Letters were directed from your Lordship to the Justices of the *King's Bench*, but neither effected any thing; the Suits still multiplied against the Tinnners and Officers of the Stannaries, and their Complaints multiplied as fast unto your Lordship of their Wrong, and Overthrow of their Privileges, as appeareth by their Petition.

What

What every Steward of the Stannaries-Court ought to give in Charge at every Law-Court to the Jury.

12 Ed. 4.
cap. 8. *All*
Mayors, Bay-
liffs, &c. have
Court Leets.

THIS Court is called a *Court Leet*, as much as to say, *Dies Leta*, where we may rejoice when Vice is suppressed and Virtue rewarded, that every one may quietly enjoy that which is his own; according to our Blessed Saviour and Master Christ, *Quod Cæsaris est date Cæsari*; Let every one have his Right. And for this Cause this Court is called the Leet Court. The Reformation of Enormity and Offences must be brought to pass by Matter of Record.

First, The Jury are to enquire of all common Bakers amongst them, that make unwholsome Bread for Man's Body, and keep not the Assize of them. Ye shall likewise enquire of all Brewers, Tappers that Brew, and keep not the Assize, and sell by false and unsealed Measures.

Secondly, All such Persons who have Measures to meet Tin withal, which have not brought them hither at this Law-Court to be assized; of such you shall enquire.

Thirdly, Also if any Tinner or Tanners have stolen any Tin, and their Receivers, so that the Lord Warden's Officers may seize the Tin so stolen to the Use of the Prince's Highness, you shall enquire.

Fourthly, Also if there be any Lanes or Paths stretched, stopped, or turned out of its right Course, to the Annoyance of the King's Leige People, by the Occasion of Pits, Shafts, Hatches, or Tin-Works, and the Maker thereof not repaired or amended, of such Offender or Offenders you shall enquire.

Fifthly, Also if there be any among you that have kept back Tin unblown, after the Feast of St. *Michael* the Arch-Angel; where the Tin is, how much it is, and who is the Owner thereof, you shall enquire.

Sixthly, Also you shall enquire of all Makers and Blowers of Tin, which have not the accustomed Letter upon the same, *viz.* to hard Tin H, Synder Tin S, Perillian Tin P, Relistian Tin R; by Deceit whereof the Merchants have great Loss thereby.

Seventhly, Also you shall enquire of all Makers and Blowers of White Tin, and are not here this Law-Day to take their Oaths according to their ancient Custom, for the true and just Execution of

of their Function in that Behalf; the Names of them which make Default, you shall find out.

Eighthly, Also you shall enquire of all such as do implead any Tinner in any Foreign Courts of the Liberty of the Stannary, for Matters determinable in this Court. Likewise if any Tinner implead another in any Foreign Court for Causes here determinable.

Ninthly, Also if the Worker of any Tin be stopt, or streightened of the Course of Water, to serve for working their Tin; whereas the Custom hath been to fetch the Water in any Place, and over any Ground, without Denial of any Person; of the Offenders herein, you shall enquire and Present.

Tenthly, Also you shall enquire if any Tinner or Spaller, that fetch a Warrant or *Supersedeas*, of the Peace, against any Tinner or Spaller, except it be only with the Warden or his Deputy.

Eleventhly, Also you shall enquire of those Offenders, *viz.* Any Person or Persons enter into any Tin-Work with Force and Violence, and take any Tin out of any Tin-Work.

Twelfthly, Also you shall enquire, if any Person or Persons, give or promise any Tin-Work, or part of any Tin-Work, that is in Variance between Party and Party, to any Gentleman, Juror, or any other, to the Intent to bear him in the Title thereof; these you shall Present.

Thirteenthly, Also you shall enquire of the Names of all those Tinnors or Spallors, which do refuse to pay any such reasonable Sum, as shall be assessed on them to be paid towards the Prince's Service, the Confirmation of the Charter, or towards any other Cause for the Commonwealth of the Stannaries.

Fourteenthly, Also if any Person or Persons have been turned out of the Possession of any Tin-Work, or any Part of any Tin-Work, which he hath had the Possession of, for the Space of one Year and a Day peaceably, except it be only by the Order of Law, the Offender thereof, you shall enquire of, and Present.

Fifteenthly, Also you shall enquire, if any Mayor, or any other Officer take any Tollage, Toll, Stallage, or Toll, in any Fairs or Markets, of any Tinner or Tinnors in any Towns, Ports, Fairs or Markets, of their own proper Goods.

And whereas diverse Tinnors, in working of their Stream-Tin, have conveyed and carry'd the Gravel and Rubbish from the old Works into the Rivers, by means whereof the Rivers are stopped up: The Lord *Hastings*, Lord Warden of the Stannaries, at the Court holden at *Tavestock* for the Tinnors of *Cornwall*, in the One and Thirtieth Year of Queen *Elizabeth's* Reign, by Advice of

the Stannators of the four Stannaries being there impanell'd, took Order, that the Ordinances and Statutes that they then made, shall be read by the Steward of every of the said four Courts of the Stannaries, to the Jurors sworn upon every Law-Day, which if any of the Stewards omit to do, he shall incur the Penalty of Five Pounds, to be levied by *Fieri facias* to the Use of the Queen's Majesty. Therefore in reading thereof they will exonerate themselves of the Penalty; which Ordinance, with the several Acts therein set forth, doth follow.

A Copy of the Ordinance of the Court holden at Tavestock for the Stannaries of Cornwall.

AT the Court holden for the Stannaries of Cornwall in the County of Devon, on the Twenty seventh of August in the Thirteenth Year of the Queen's Majesty's Reign, our Sovereign Elizabeth, by the Grace, &c. before the Right Honourable Lord Edward Hastings, of the Right Honourable Order of the Garter Knight, Lord Hastings of Loughborough, and High Warden of the said Stannaries of Cornwall, and other the Queen's Majesty's Commissioners there, It is Enacted, Whereas there have been heretofore two sundry Statutes and Acts of Parliament at Westminster, one in the Twenty seventh Year, the other in the Twenty third Year of our King Henry the Eighth: In the which said Statutes it hath been ordained, that no Person or Persons, from and after the End of the said Parliament, should labour and work in any or in any manner of Tin-Works called Stream-Works, within the County of Cornwall, nigh to any of the fresh Water Rivers there; and sets forth, unless the Digger, Owner, or Washer, did make sufficient Hatches or Ties in the End of their Buddels and Cords, and therein put or lay, or cause to be put or laid, all their said Stays, Gravel or Rubbel digged about the Searching or Washing of the said Tin, there to be wholly and surely kept by the said Hatches and Ties, out and from the fresh Water Rivers aforesaid, upon certain Penalties mentioned in the said certain several Statutes. To the end that the Contents of the aforesaid several Statutes, and the Mischiefs therein declared, may the better hereafter be performed, It is further Enacted over and besides the Penalties and Provisions already ordained, in the said two several Statutes, for any Person or Persons for any Offence done contrary to the Provisions of the said Statutes, and that Person or Persons so offending be thereof duly convicted, either by Verdict of Twelve Men or more, by his or their own Confession, or any other lawful Way or Means, for the first Offence shall forfeit and incur the Penalty of Forty Marks, to be levied by *Fieri facias* of his Goods and Chattels, or as other Penalties and Forfeitures are accustomed to be levied, the Half to be to our Queen's Majesty, her Heirs and Successors, the other Half to the Party that shall sue for the same by Bill, Plaint, or Information; and if the

Penalty 201.

the Party do oftentimes offend, and be thereof convicted as aforesaid, that then he is to lose all such Interest and Estate as he hath in the said Works, the one Moiety to the Queen's Majesty, and the other Moiety to him that will sue for the same in any of the said Stannary-Courts, by Bill, Plaint, or Information, in which no Effoin, or Wager of Law to be allowed for the Defence; and if the Party or Parties so offending committed as aforesaid, be not able to pay the Penalty of Forty Marks aforesaid, that then the said Party or Parties shall be committed to the Prison of *Lestwithiel*, there to have their Imprisonment for one Year, without Bail or Mainprize. And be it also furthermore Enacted, That if the Steward of the said Stannary-Courts of *Cornwall* for the Time being, do not at each Law-Day to be holden within their Stannaries, give those Statutes and Ordinances to the Jury of the same Court, that then the said Steward shall for his Negligence incur the Penalty of Five Pound at each Time so offending, to be levied by *Fieri facias* to the Use of our Sovereign Lady the Queen's Majesty, her Heirs and Successors. And further, all and every other Person and Persons, working in the Hatch-Work, shall make or provide such Strength of Places and Stays, so that the Force of any of the aforesaid Rivers, at the Flood overflowing any of them, do not carry away any Abundance of Gravel or Rubble, to the Annoying or Hurt of the Havens aforesaid, upon Pain of such Penalties as shall be assessed for the said Offence by the Lord Warden, or his Vice-Warden in that Behalf.

*Penalty on the
Steward of 5 l.*

Provided always, that no Person or Persons shall incur the Danger or Penalty of any of the Statutes made at this present Great Court, before Publication of the Offence of the same at every of the four Stannary-Courts.

Preservation

Preservation of Havens in Devon and Cornwall.

*A Rehearsal of
the Statute of
23 H. 8. made
for the Preser-
vation of Ports
and Havens in
Cornwall and
Devon.*

WHEREAS by a Statute made in this present Parliament, for and concerning the amending and Maintenance of the Havens and Ports of *Plymouth, Dartmouth, Tinmouth, Falmouth, and Fowey*, in the Counties of *Devon and Cornwall*, among other things it was Ordained and Enacted, That no Person or Persons from and after the Feast of *St. Michael* the Arch-Angel, which was in the Twenty fourth Year of the Reign of the King's Highness that now is, should labour or work, or cause to be laboured or wrought, in any manner of Tin-Works called Stream-Works, within the said Counties of *Devon and Cornwall*, nigh to any of the fresh Waters, Rivers, or low Places descending or having Course unto the said Havens or Ports, or any of them, nor should labour, dig, or wash any Tin in any of the said Tin-Works, called Stream-Works, unless the said Digger, Owner, or Washer, should make, or cause to be made sufficient Hatches and Ties, in the End of their Buddels and Cords, and therein put and lay, or cause to be put and laid, all the said Stones, Gravel and Rubble, digged about the ensearching, finding and washing of the said Tin, there to be wholly and surely kept by the said Hatches and Ties, out and from the said fresh Rivers or Water-Courses, or any of them, so that the said Stones, Gravel and Rubble, nor any Part thereof, be for lack of such Hatches or Ties, conveyed unto the said Ports and Havens, or any of them, upon Pain to forfeit for every time that any Owner or Digger should dig or wash, or cause to be digged and washed, any Tin contrary to the Form aforesaid, 10 *l.* the one Half thereof to be to the Use of our Sovereign Lord the King, and the other Half thereof to be to any of the Inhabitants of the said Ports, Towns, or Havens, that would sue for the same in any of the King's Courts by Original Writ, Bill, Complaint, Information, or otherwise, wherein the Defendant should not be admitted to wage his Law, nor any Protection or Essoin should be allowable, as in the said Act, among other things, more plainly is expressed and declared.

And because since the making of the said Statute, the Inhabitants of the said Port-Towns or Havens, having little Regard, Respect, Love, or Affection to the Amending and Maintenance of the same Towns and Havens, nor to their Posterity, as they been naturally bounden and obliged, have permitted and suffered the said Owners and Diggers to persevere and continue in digging, searching, and washing of Tin nigh the said fresh Waters, Rivers, or low Places, not making sufficient Hatches and Ties, as by the said Statute is provided and ordained, without any manner of Suit commenced or pursued by the said Inhabitants, according to the Tenour of the said Act, to the great Animation and Encouragement of the Offenders, and to the utter Undoing and Destruction of the said Port-Towns

Towns and Havens: The King's Majesty, minding and intending the Supportation and Maintenance of his said Towns and Havens, and the Animadversion and Correction of the said Offenders, hath by the Assent of the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same, ordained, enacted and established, that no Person or Persons hereafter shall labour or work, or cause to be laboured or wrought, in any manner of Tin-works, called Stream-work, within the said Counties of *Devon* and *Cornwall*, nigh to any of the said fresh Waters, Rivers, or low Places, descending or having Course unto the said Havens or Ports, or any of them, nor shall labour, dig, or wash any Tin in any of the said Tin-Works called Stream-Works, unless the said Digger, Owner, or Washer, shall make, or cause to be made, sufficient Hatches and Ties in the End of their Buddels and Cords, and therein put and lay, or cause to be put and laid, all the said Stones, Gravel or Rubble, digged about the Ensearching, Finding and Washing of the said Tin, there to be wholly and surely kept by the said Hatches and Ties, out and from the said fresh Rivers and Water-Courses, or any of them, so that the said Sand, Stones, Gravel and Rubble, nor any part thereof, be for lack of such Hatches or Ties conveyed into the said Ports or Havens, or any of them, upon Pain to forfeit for every time that any Owner, Digger, Tinner, or Labourer shall dig or wash, or cause to be digged or washed any Tin contrary to the Form aforesaid, 20 *l.* the one half thereof to be to the Use of his Highness, and the other half thereof to be to any of his Grace's Subjects that will sue for the same in any of his Grace's Courts, by Original Writ, Bill, Plaint, Information, or otherwise, wherein the Defendant shall not be admitted to wage his Law, nor any Protection or Essoin shall be allowable.

They that work for Tin Works shall make Hatches and Ties in the Ends of their Cords or Buddels.

And it is further Enacted by the Authority aforesaid, that if any Person or Persons shall happen to be sued, accused, indicted, imprisoned, amerced, condemned, or otherwise vexed or troubled in his Person, Lands, Tin-Works, Goods, or Chattels, by any of the Ministers, or Officers of any of the King's Courts of Stannary, or by any other Person or Persons, for pursuing or attempting any Suit or Action according to this Statute, against such Person or Persons as shall offend contrary to the Form aforesaid; that then all such Suits, Accusements, Indictments, Imprisonments, Actions, Condemnations, Fines, Amerciaments, and every other Act or Acts to be done in any of the said Courts of Stannary, or elsewhere, by any Person or Persons against any Person or Persons, for suing or attempting any Suit or Suits by vertue of this Statute, shall be utterly void and of none effect in the Law. And that the Party sued, indicted, accused, imprisoned, or otherwise grieved or molested, for pursuing against any person or persons offending this Statute, shall have his Action and Remedy grounded upon this Statute by original Writ, Bill, Plaint, Information or otherwise, in any of the King's Courts, against such as shall procure or attempt to vex, trouble, or otherwise molest any such Person or Persons, for suing

There shall be no Penalty inflicted for prosecuting according to this Statute.

or pursuing the Forfeitures aforesaid, and shall recover treble Damages in that Behalf, and the Party Defendant shall not be admitted to wage his Law, nor any Protection, Effoin, nor Privilege shall be to him allowable.

*A Remedy to
relieve him
that shall be
imprisoned for
suing accord-
ing to this Sta-
tute.*

And if it shall happen any Person or Persons, for pursuing any Suit or Action upon this Statute, or by Occasion of the same, hereafter to be imprisoned by any manner of Person or Persons, being Officers or Ministers of the Court of Stannary, their Deputies or Substitutes; that then every of the Justices of the Peace within any of the Counties aforesaid, wherein the said Prisoner shall happen to be committed to Prison, upon credible Information thereof, taking Surety by his Discretion for Appearance of such Prisoner at the next General Sessions of Peace, shall have Power and Authority, as well to direct his Warrant to the Goaler or Keeper of the Prison, as to any other Person or Persons, to whom the said Prisoner shall be committed unto, commanding him or them, upon pain of Forfeiture of 40 *l.* to deliver and put at large the said Prisoner or Prisoners, which if he refuses to do, then every such Offender shall lose and forfeit the said 40 *l.* the one Half of which Forfeiture to be to the Use of our Sovereign Lord the King, and the other Half to him that is grieved by reason of such Imprisonment, to be recovered in Manner and Form aforesaid; and the Defendant, in any Action or Suit for the same, shall not wage his Law, nor have any Effoin or Protection allowed. And if it shall appear upon the Appearance of such Prisoner at the Quarter Sessions, by Examination of the Justices of the Peace there being, that he was imprisoned contrary to the Form of this Statute, that then he shall be forthwith dismissed and thereby discharged; and if he were lawfully imprisoned for any other just Cause, then to be remanded to Prison by the Discretion of the said Justices.

*The Liberties
of the Stannaries
saved.*

Provided alway, that this Act, or any thing therein contained, be not in any wise prejudicial or hurtful to any of the Officers of the Stannary, nor to any of their lawful Liberties, Privileges, Usages, Laws, or Customs, saving only in the Cases and Provisions contained and limited within this present Act; which shall alway be put in Execution, according to the Tenour of this Act, any Usage, Custom, Privilege, Ordinance, or Liberty to the contrary thereof notwithstanding.

How

*How certain Havens in Cornwall and Devon may
be amended.*

Piteously sheweth and complaineth unto the King, our Sovereign Lord, and to the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, the Inhabitants of the Towns and Ports of *Plymouth, Dartmouth, and Teignmouth* in the County of *Devon, Falmouth and Foway* in the County of *Cornwall*; That where the said Ports have been in time past the principal and most commodious Havens and Ports within this Realm, for the Road, Surety and Preservation of Ships resorting from all Places of the World, as well in Peril of Storms, as otherwise: For where before this time all manner of Ships, being under the Portage of Eight Hundred Tuns, resorting unto any of the said Ports or Havens, might at the low Water easily enter into the same, and there lie in Surety, what Wind or Tempest soever did blow; by reason whereof, not only a great Multitude of Ships, as well of this Realm, as of other Regions and Countries, before this time had been preserved and saved; but also in time of War, the said Havens and Ports have been the greatest Fortification and Defence of that Part of this Realm, and the special Preservation of the great Part of the Navy of the same. Which said Ports and Havens, being at this present time in a manner utterly decayed and destroyed, by means of certain Tin-Works, called Stream-Works, used by certain Persons within the said County; which Persons, more regarding their own Private Lucre, than the Commonwealth and Surety of this Realm, have by working of the said Stream-Works, digging, searching, and washing of the same near unto the fresh Rivers, Waters, and low Places descending and coming out of the Land, towards and into the said Ports and Havens to the Sea, conveyed by Force of the said fresh Rivers, a marvellous great Quantity of Sand, Gravel, Stone, Rubble, Earth, Slime and Filth, in the said Ports and Havens, and have so filled and choaked the same, that where before this time a Ship of the Portage of Eight Hundred Tuns, as is aforesaid, might have easily entred at a low Water into the same, now a Ship of a Hundred can scanty enter at the half Flood, to the Decay and utter Destruction of the said Havens and Ports, and also to the Ruin and utter Undoing of all the good Towns within the said Counties of *Devon and Cornwall*, if Remedy be not in that Case speedily provided. For Reformation whereof, be it Enacted by the King our Sovereign Lord, the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, and by the Authority of the same, that no Person or Persons hereafter shall labour or work, or cause to be laboured or wrought in any manner of Tin-Works, called Stream-Works, within the said Counties of *Devon and Cornwall*, nigh to any of the said fresh Waters, Rivers, or low Places descending or having Course unto the said Havens or Ports,

27 H. 8. 23.

*The great Ease
and Benefit
which this
Realm and o-
thers received
by the Havens
of Plymouth,
Dartmouth,
&c.*

*The Decay of
the Havens of
Plymouth,
&c. and the
Cause thereof.*

*A Mean to
maintain the
Havens of Ply-
mouth, Dart-
mouth, &c.
in the Counties
of Devon and
Cornwall.*

or

*Who shall have
the Forfeiture,
and by what
Means he shall
recover it.
Ult. 27 H. 8.
23.*

or any of them, nor shall labour, dig, or wash any Tin in any of the said Tin-Works called Stream-Works, unless the said Digger, Owner, or Washer, shall make, or cause to be made, sufficient Hatches and Ties in the End of their Buddels and Cords, and therein put and lay, or cause to be put and laid, all the Sand, Stones, Gravel and Rubble digged about the insearching, finding, and washing of the said Tin, there to be wholly and surely kept by the said Hatches and Ties, out and from the said fresh Rivers or Water-Courses, or any of them, so that the said Sand, Stones, Gravel, and Rubble, nor any part thereof, be for lack of such Hatches or Ties, conveyed into the said Ports and Havens, or any of them, upon pain to forfeit for every time that any Owner or Tinner shall dig or wash, or cause to be digged or washed, any Tin contrary to the Form aforesaid, 10 l. the one Half thereof to be to the Use of our Sovereign Lord the King, and the other Half thereof to be to any of the Inhabitants of the said Ports, Towns, or Havens that will sue for the same in any of the King's Courts, by Original Writ, Bill, Complaint, Information, or otherwise, wherein the Defendant shall not be admitted to wage his Law, nor any Protection or Essoin shall be allowable.

*The Remedy if
any Person be
troubled in the
Stannary for
prosecuting
Suit according
to this Statute.*

And be it farther Enacted by Authority aforesaid, That if any Person or Persons shall happen to be sued, accused, indicted, imprisoned, amerced, condemned, or otherwise vexed or troubled in his Person, Lands, Tin-Works, Goods, or Chattels, by any of the Ministers or Officers of any of the King's Courts of Stannary, or by any other Person or Persons, for pursuing or attempting any Suit or Action according to this Statute, against such Person or Persons as shall offend contrary to the Form aforesaid, that then all such Suits, Accusements, Indictments, Imprisonments, Actions, Condemnations, Fines, Amerciaments, and every other Act or Acts to be done in any of the said Courts of Stannary, or elsewhere, by any Person or Persons, against any Person or Persons, for suing or attempting any Suits or Actions, by vertue of this Statute, shall be utterly void and of none Effect in the Law; and that the Parties sued, indicted, accused, imprisoned, or otherwise grieved or molested, for pursuing against any Person or Persons offending this Statute, shall have his Action and Remedy grounded upon this Statute, by Original Writ, Bill, Complaint, Information, or otherwise, in any of the King's Courts, against such as shall procure, or attempt to vex, trouble, or otherwise molest any such Person or Persons, for suing or pursuing for the Forfeitures aforesaid, and shall recover treble Damages in that Behalf; and the Party Defendant shall not be admitted to wage his Law, nor any Protection, Essoin, nor Privilege shall be to him allowable. And if it shall happen, any Person or Persons, for pursuing any Suit or Action upon this Statute, or by Occasion of the same, hereafter to be imprisoned, by any manner of Person or Persons, being Officers or Ministers of the Stannary, their Deputies or Substitutes, that then every of the Justices of the Peace, within any of the Counties aforesaid, wherein the said Prisoner shall happen to be committed to Prison, upon

credible

credible Information thereof, taking Surety by his Discretion for Appearance of such Prisoner, at the next General Sessions of Peace, shall have Power and Authority, as well to direct his Warrant to the Goaler or Keeper of the Prison, as to any other Person or Persons, to whom the said Prisoner shall be committed unto; commanding him or them, upon pain of Forfeiture of 40 l. to deliver and put at large the said Prisoner or Prisoners; which if he refuses to do, then every such Offender shall lose and forfeit the said 40 l. the one Half of which Forfeiture to be to the Use of our Sovereign Lord the King, and the other Half to him that is grieved by reason of such Imprisonment, to be recovered in Manner and Form aforesaid; and the Defendant in any Action or Suit for the same, shall not wage his Law, nor have any Essoin or Protection allowed. And if it shall appear, upon the Appearance of such at the Quarter Sessions, by Examination of the Justices of Peace there being, that he was imprisoned contrary to the Form of this Statute, that then he shall be forthwith dismissed, and thereby discharged; and if he were lawfully imprisoned for any other just Cause, then to be remanded to Prison by the Discretion of the said Justices.

The Forfeit of the Offender, and the Means to recover it.

Provided alway, that this Act, or any thing therein contained, be not in any wise prejudicial or hurtful to any of the Officers of the Stannary, nor to any of their lawful Liberties, Privileges, Usages, Laws, or Customs, saving only in their Cases, and Provisions contained and limited within this present Act, which shall alway be put in Execution according to the Tenour of this Act, any Usage, Custom, Privilege, Ordinance, or Liberty to the contrary thereof notwithstanding.

This Act shall not be prejudicial to the Officers or Liberties of the Stannary.

And it is Enacted, That this Act shall begin to take Effect from the Feast of St. Michael the Arch-Angel next coming, and not before.

An A C T against diverse Inbroachments and Oppressions in the Stannary-Courts.

Ed. 1. Charter.

Explained
50 Ed. 3.

WHEREAS King Edward the First, of famous Memory, did for the Amendment of the Stannaries in the County of Devon, grant diverse Franchises and Liberties to the Tinnars there; and whereas in the Parliament in the Fiftieth Year of King Edward the Third, upon the Petition of the Commons of the County of Devon, certain Branches and Articles of the said Charter were explained in manner following, viz. Whereas one Article of the said Charter is in these Words following; *Sciatis nos ad emendationem Stannariar' nostrarum in Comitatu Devon' ad tranquillitatem & utilitat' Stannatorum nostrorum præd' earundem concessisse pro nobis & hæredibus nostris, Quod omnes Stannatores præd' operantes in Stannariis illis, quæ sunt Dominica nostra, dum operantur in eisdem Stannariis liberi sint & quieti de placitis Nativorum, & de omnibus placitis & querelis Curiar' nostrar' & Hæredum nostrorum qualitercunque tangen', ita quod non respondeant coram aliquibus Justiciariis vel Ministris nostris, seu Hæredum nostrorum, de aliquo placito seu querela infra præd' Stannar' emergen', nisi coram Custodi nostro Stannar' nostrar' præd' qui pro tempore fuit (except' placitis Terræ, Vitæ & Membrorum) nec recedant ab operationibus suis per Summonitionem alicujus Ministrorum nostrorum, seu Hæredum nostrorum, nisi per Summonitionem communem dicti Custodis nostri; & quod quieti sint de omnibus Tallag' Theolon' Stallag' Auxiliis & al' Customis quibuscunque in Villis, Portibus, Foris, & Mercatis infra Com' præd' de bonis suis propriis &c.* Whereupon the said Commons pray'd a Declaration, as followeth; *Requête sur quoi plese declarer, si autres persons que les esteymos onerant' in les este-meryes averont & enjoyeront la Franchise grante per la dite Chartre du Roi desicome la dite Chartre voet, Quod omnes Stannator' præd' operantes in Stannariis illis sint liberi &c. Et autres persons que les Onerours, s'est assavoir leur Maistres que les lovent, & leurs Servants, & autres claymont mesme la Franchise. Et auxint plese declarer, si les dites Onerours y averont les Franchises que in autre temps a quant ils averont in mesme l'estemery desicome la Chartre voet, Dum operantur in eisdem Stannar' sint liberi &c.* Upon which Request, Answer was made as followeth; *Respons en droit de les dites paroles, Operantes in Stannar' illis, & dum operantur in eisdem Stannar' soient clere-ment etend' de operariis laborantibus duntaxat in Stannar' illis sine fraude & dolo, & non de aliis, nec alibi laborantibus.* And whereas the Commons pray'd a further Declaration as followeth; *Requête, Item soit declarez, si le Gardien de Lestimore puisse tenir plee inter Esteymo, & forreyn de querele sourdante aillours, que in les lieux on il' sont, onerant' desicome la Chartre voet, Quod Custos noster præd' vel ejus locum tenens, teneat omnia placita inter Stannatores præd' emergen' & etiam inter ipsos & al' forinsecos de omnibus transgressionibus, querelis & contractibus factis in locis in quibus operantur*
infra

infra Stannar' præd' similiter emergen' &c. Quere, Il tient Plee des cieux Quereles sourdantz in chescune parte deins le dit Counte. Upon which Answer was made in these Words, *viz. Resp. Et en droit de ceste Article, se ont extende la Jurisdiction Clerement selon a les Paroles del dit Chartre, c'est assavoir, In locis ubi iidem operarii operantur, & nem y ailours, ne en autre manere.* Which Charter so declared, was repeated again, and in the Eighth Year of the Reign of King *Richard* the Second, commanded to be put in Execution. 8 R. 2.

And whereas the said King *Edward* the First, made the like Charter to the Tinnars in the County of *Cornwall*, which Charter was in the aforesaid Parliament, upon the Request of the Commons of the County of *Cornwall*, declared in the same Manner and Words.

And whereas the Tinnars of the Counties of *Devon* and *Cornwall*, have by Vertue of the said Charters, enjoyed diverse and great Liberties, and are quit from all Tolls, Tallages, Aids, and other Customs, in the Villages, Ports, Fairs and Markets within the said Counties respectively; which great Liberties do of right belong to the Working Tinnars, working without Fraud or Deceit in the Stannaries aforesaid, and not to any other, or elsewhere working, and were granted to the said Tinnars for their Incouragement in their Works. *The like Charter to the Tinnars in Cornwall. Declaration.*

And whereas of late Years sundry Inhabitants within the said Counties, and others, to intitule themselves to the said Liberties, have by Fraud and Covin, for small or no Considerations, bought and acquired, and do buy and acquire to themselves, decay'd Tin-Works, and small and inconsiderable Parts in the same and other Tin-Works; which Abuses are done principally to enable the said false and feigned Tinnars to vex and sue their Neighbours in the Stannary-Courts, where for the most part the Defendant is unjustly debarred his Costs, altho' the Cause be adjudged with him; and the Jurisdiction of the said Stannaries hath, contrary to ancient Right and Usage, and the said Charters, been endeavoured to be extended (out of the Places where the Tinnars do work) through the whole Counties of *Devon* and *Cornwall* respectively, which is no way for the Benefit of his Majesty, but for the singular Lucre of some private Persons. And whereas by the said Abuses great Inconveniencies do follow; that is to say, the Inhabitants of the said Counties are miserably vexed, oppressed and imprisoned, his Majesty defrauded of his Aids and Customs, and the Lords and Owners of Fairs, Markets, and other Franchises, of their Tolls and Duties, and the Government of the Country exceedingly confounded and eluded, the said false and feigned Tinnars claiming when they list, to be Tinnars, and when they list, to be Foreigners. Besides, that if timely Provision be not made, the certain Decay of his Majesty's Profit in the Tin-Works will ensue; for that the same being divided into so many Hands and Parts, cannot conveniently be set on work, nor Contributions raised for the working the same. *Abuse of Liberties.*

Be

The former Declarations confirmed.

In locis ubi operantur, how expounded.

None but Tinnerners to be sued, unless by working Tinnerners.

Persons sued by others shall have their Actions.

Such Action to be brought in two Years.

Costs in Stannary-Courts.

Tinnerners may sue Foreigners at the Common Law.

Abuses by poor Bayliffs in the Stannaries.

Be it therefore Enacted by his Majesty, and the Lords Spiritual and Temporal, and the Commons in this present Parliament assembled, That the said Declarations be henceforth held and duly observed, with this, that the Words of the said Charters and Declarations, *in locis ubi operantur*, be expounded of the Village, Tything, and Hamlet where some Tin-Work in Work is situate, and not elsewhere, and no longer than the same Tin-Work is or shall be in Working. And if any Person or Persons that shall be sued in the said Stannaries, shall swear, or tender his or their Oath in the said Court where he or they shall be sued, that he or they are not, nor is, nor at the Time of the Suit commenced, was not, nor were a Tinner or Tinnerners; then such Defendant or Defendants shall be forthwith discharged of such Suit, unless that the Plaintiff or Plaintiffs do forthwith make Oath, that the said Plaintiff or Plaintiffs is, or are, True and Working Tinnerners, without Fraud or Deceit, and that the Cause of his or their Suit arose within the said Stannaries, or concerneth Tin or Tin-Works. And if any Person, being not *Re vera*, and without Fraud, a Working and Labouring Tinner, in or about some Tin-Work, set on work within one Half Year next before his Suit, shall sue, prosecute, or implead in any the said Courts, or before the Warden, Vice-Warden, or Steward of the said Stannaries, any Person or Persons, that is or are not a Tinner or Tinnerners, at the Time of such Suit commenced; then the Defendant and Defendants in every such Case shall have his and their Action at the Common Law, against such Persons suing or prosecuting, wherein he shall recover Ten Pounds, and his Damages and Costs of Suit; provided, that such Action be brought within Two Years next after the Action or Suit brought in the said Stannary-Courts, or before the said Warden, Vice-Warden, or Steward. And be it Declared and Enacted, that in all Cases where the Plaintiff or Plaintiffs, Defendant or Defendants, are to have Costs by the Laws or Statutes of this Realm, there also the said Plaintiffs and Defendants shall have the like Costs in the Stannary-Courts. And in regard the said Charters were granted for the Ease and Advantage of the Tinnerners, and not for their Disadvantage or Oppression; and yet diverse of them, who for special Reasons have desired to sue at the Common Law have been restrained:

Be it Declared and Enacted, that it shall be lawful to and for the said Tinnerners, if they think fit, to sue any Foreigners at the Common Law; the said Charter, or any Usage to the contrary notwithstanding.

And whereas the Bayliffs of the said Stannary-Courts are very numerous, and are Persons of small or no Credit, and yet upon their Return, that any Person is become Surety for any other upon Arrest by Process out of the said Courts; such Person, who sometimes knows nothing of the Matter, is by false Returns of the said Bayliffs made liable to the Debt or Demand, which Bayliffs, by reason of their Poverty, are often not responsible, and so the Party without Remedy:

Be

Be it enacted, That no Person or Persons be charged or troubled as Surety by any Return of any Bailiff or Bailiffs of the said Stannaries, unless that the Person or Persons returned Surety or Sureties, shall, in the Presence of two Witnesses, subscribe or sign a Note in writing, that such Person or Persons is, or are, become Surety or Sureties; which Note shall mention the Names of the Plaintiffs and Defendants in the Suit, and the Sum or Damages in Demand, and the Nature of the Action, and shall be signed and subscribed by the said Witnesses, and returned and filed in the Court out of which such Process shall issue, and no Bailiff or Bailiffs of the said Stannaries, shall be admitted as Witnesses to any such Note.

How Sureties may be sued.

And whereas in the said Stannaries it is used, that if the Bailiffs return any Person arrested, that if such Person make Default at the Day, he shall be condemned, and Execution is suddainly awarded, when as often the Party was not arrested.

Be it further enacted, That no Defendant shall be condemned upon such Return for not appearing, unless also a Note under the Hand or Sign of the Party arrested, and subscribed by two such Witnesses as aforesaid, be returned into the said Court, at or before the Day of Appearance; and the said Bailiff or Bailiffs shall take but four Pence for every such Note as aforesaid: And it is provided, that none shall be bailed upon Arrest there till he give such Note.

No Defendant shall be condemned on a Bailiff's Return, unless on a Note subscribed by the Party.

Bail.

And in Case any the said Bailiff or Bailiffs shall return a *Refions* against any Person or Persons, he, or they, shall be admitted to traverse the said Return; which Traverse, if it be found with him, or them, so traversing, then he, or they, shall be no further troubled, or occasioned, by reason of such Return.

Refions.

A Declaration framed against a Tinner for working in the Prince's several Lands, in the 31st Year of Henry VIII. and the Pleadings thereon.

Stannar' de Penwith & Kerrier.

Ricardus Davy nuper de Camborne in Com' Cornub' Husband-
man, attachiatus est ad respondend' Jo. Jenkyn de pl'ito, quia vi & armis Clausum ipsius Joh'is apud Chevender fregit & in seperali solo ib'm predict' & terram suam ib'm subvertit & prodierit per quod idem Joh'es proficuum soli sui pred' per magnum tempus amisit & fepes suas ibidem nuper erectas prostantur & alia &c. Dampn' &c. & contra &c. & unde idem Joh'es per Thom' P. Attornat' suum querit' quod cum pred' Ric'us Davy vicesimo die Octob' Anno Regni Dom' Regis nunc 31mo vi & Armis & Clausum ipsius Joh'is apud Chivender pred' fregit & in seperal' solo suo (viz.) decem acris terre ib'm fodit & terram (viz.) xvj Acris Terre suae ib'm subvertit & projecit per
U u quod

Declaration for working in the Prince's several Lands.

quod idem Joh'es proficuum soli sui pred' per magnum tempus (viz.) per spatium unius Anni & dimid' amisit & sepes suas (viz.) viginti pertias septem suorum ibi crecta prostrat' & alia &c. Dampn' x/l. & contra &c. & inde producit sectam &c.

Et pred' Ric'us per Th. P. Attornatum suum venit & defend' vim & injuriam quando &c. & quoad venire vi & Armis dicit quod ipse in nullo est inde Culpabilis & de hoc ponit se super patriam & pred' Joh'es similiter & quoad resid'm transgressionis pred' supposit' superius fieri idem Ric'us dicit quod pred' Joh'es actionem suam pred' usus eum habere non debet quia dicit quod claus'm pred' necnon Loci in quibus supponit' transgr' pred' quer' fieri sunt & pred' tempore quo &c. fuer' sex acre Terre cum pertinent' in Chivender pred' parcell' Manerii De Trewarnhayle De quo quidem Manerio illustrissimus Edwardus nunc princeps Wallie & pred' tempore transgr' pred' fuit seitus in Dominico suo & de feodo quodq; habetur & a tempore cujus contrarii memoria hominum non existit habitat' tales consuetudines infra Manerium pred' quod haberet omnibus personis legis Domini Regis existent' cujuscumq; gradus seu Condi'ones fuerit ad prickand' bundand' & faciend' tot & tanta opera Stannar' in quolibet loco infra Manerium pred' in quo stann' invenire potuisset in quolibet loco sancto five sacro Molendo pistinio & gardino quibuscumq; infra Manerium pred' cum pertinent' existentibus tantum except' Reddend' & a toto tempore pred' solvend' inde Dm'no Manerii pro tempore existent' quint' decim' partem Stanni inde perveniend' pro tolveto suo & ulterius ad faciend' & limitand' cum bundis metis & limitibus ex utraque parte a Capite usque ad pedem ejusdem ad eorum placitum tantum & per vim terre illius de & pro quolibet opere Stannar' quant' vellet necnon ad habendas vias & semitas ad veniend' redend' carriand' & recariand' ad & ex quolibet hujusmodi opere Stannar' in & super terras cujuscumque infra maner' pred' prout eis melius videbit' & majus opportune expediri & ad conducend' reducend' & divertend' aquas & Cursus aquar' ubi & quoties opus fuerit ad hu'moi opera Stannar' de & super terr' cujuscumq; infra Maner' pred' prout eis etiam melius videbit' & ulterius idem Ricardus Davy dicit quod per totum tempus pred' usu fuit quod licebit alicui persone aliquod tale opus sine aliqua talia opera Stannar' in forma pred' fio per eum vel per eos pickat' fact' limitat' & bundat' infra manerium pred' eodem opere Stannar' five in eodem opere Stannar' libere ad intrand' & in eodem pro Stann' inveniend' fodere Stannum in eodem invent' (xvta parte ejusdem Stanni dicto Domino Manerii pro tolveto suo exceptionem) capiend' & aspectand' absq; contradictione perturbatione seu vexatione alicujus nisi ipse in aliquo Domo vel via pro Stannar' inveniend' operare seu fodere voluisset per quod Domus ille preservaret' five via illa nocivasset quod tunc Domum & viam ill' & eorum alter' ades sufficien' & bona de novo construeret prout domus & via illa det' five cent' tant' princip'

princip' Sessionis illius & ulterius idem Ric'us Davy dicit pro eo quod pred' sex Acre sunt de pred' tempore quo &c. fuer' parcell' Manerii pred' Stannar' idem Ric'us eodem tempore quo &c. Clau' pred' in pred' sex Acris Terre fregit & picheas & puteos operis Stannar' cum bundis metis & limitibus ex utraq; parte a Capite ad ped' ejusdem in forma pred' inde fecit pro Stanno in eodem inveniend' in solo inde fodit & Terram ill' subvertit & projecit prout ei perevelcuit que quidem fractio & fossi terre subversio & projectio terre pred' in pred' sex Acris Terre ex causa predictum est eadem transgressio unde pred' Joh'nes Jenkins se modo querit & hoc paratus est verificare unde petit judicium si pred' Joh'nes actionem suam pred' usus cum habere debeat &c.

The Form of a Distringas.

Walterus Raleigh Miles Guardianus Custos & Capitalis Senescall' Dm'ne nostre Ducat' sui Cornub' Ballis Stannar' de Blackmore necnon P. W. S. W. & eorum cujullibet salutem vobis & cuilibet vestrum præcipio quod distringat' seu unius vestrum distingat' J. C. per omnes terras Bon' & Catall' suas prop' ad valentiam vjs. ad usum dic' Dm'ne nostre si pred' J. C. non person' comparuit prox' Cur' Stannar' pred' prox' Tenen' post datum present' ad respond' G. A. in placito debet prout per Cur' Stannar' plenius liquet & apparet & habeas seu unius vestrum habeat ad tunc & ib'm (viz.) ad prox' cur' pred' hoc Mandat' cum ejus ratione & hoc nullatenus omitt' nec aliquis vestrum omitt' sub pena incumben' dat' sub sigill' Officii ducat' pred' die & Anno &c.

A Form of a Warrant after a Nichil.

Walterus Raleigh Miles Guardianus Custos & Capitalis Senescall' Dm'ne nostre Reg' Ducat' sui Cornub' Ballis Stannar' de Blackmore Fowey Moore Penwith & Kirrier & Tywarnhayle necnon F. R. & eorum cuilibet salutem si J. S. fecerit vos aut unum vestrum secur' de clamore suo prosequend' usus N. L. in placito trans' super Cas' unde nihil habet &c. quare ex parte dic' Dm'ne nostre vobis & cuilibet vestrum præcipio quod venire faciat' p'fat' Def' coram me Deputat' in hac parte assign' ad inveniend' sufficien' secur' ad respondend' ad prox' Cur' Stannar' infra B. pred' prox' Tenend' post datu' present' ad respondend' p'fat' Quer' in placito suo pred' si hoc facere recusaverit tunc ill' cap' seu unus vestrum capiat & ill' ad Goal' dic' Dm'ne nostre de Lostwithiell duc' fac' ib'm Moratur quousq; hoc grate facere voluerit mitto etiam tibi Custod' Goal' pred' Corpus dict' Def' in Goal' tuam suscipiend' salv' & secur' ib'm Custodiend' quousq; pro ill' deliberatione sufficien' habueris in Mandat' & hoc

hoc nullatenus omitt' sub pena incumbent' dat' sub sigill' officii Ducar' pred' die & Anno &c.

This was the ancient Form of proceeding after a *Nichil* returned, *vide Nichil & Distringas*, Fol. . . . They now proceed directly to attach the Body, which I apprehend erroneous; every inferior Court ought first to issue a Summons, otherwise 'tis Error, and must appeal in Error to the Steward, Vice-Warden, Lord Warden, &c. *Vide Title Courts*, Fol. . . . *Trewinard's Case*, *vide Styles Regr. Fo. 197*. Case of the Cinque-Ports in Error.

2 Cro. 261.

In false Imprisonment, the Defendant justified by a *Capias* out of an inferiour Court directed to him against the Plaintiff, to which the Plaintiff demurred, because it was not shewn that a Summons was issued first; and inferiour Courts can award no *Capias* but on Summons first returned, 1 Vent. fo. 220, 249, 369.

1 Vent. fol. 220, 249.

My Lord Chief Justice *Hale* said, It was a great Abuse in these Courts, their ordinary Practice being to grant a *Capias* without any Summons; so that the Party is driven to Bail in every trivial Action; and though upon a Writ of Error this Matter is not assignable, because a Fault in the Procefs is aided by Appearance, &c. yet false Imprisonment lies upon it, and the Officer cannot justify here, as upon Procefs out of the Courts of *Westminster*.

This Procefs intended to be aided by Appearance is meant after Verdict, *Vide 2 Cro. 108, 261*.

By the Stat. 32 Hen. 8. and 18 Eliz. Cap. 14. the Misprisions above-mentioned remain not remedied where no Verdict is given on Issue joined, as if Judgment be given, on Confession in Demurrer — *Nil dicit non sum informatus*.

In Error of a Judgment in *Norwich*, the Error assigned was, because in an Action of Debt, the Record was *attachiatus est*, where it ought to have been *summonitus est*; for that it ought to be as an Original, and for want thereof, it is Error, 18 Eliz. 2 Cro. fo. 108.

Stannar' de Penwith & Kirrier.

Cur' pred' Tent' xmo sexto Die Septemb. 1724.

The Form of a Proclamation of Tin Bounds.

This Court gives Notice of one Pair of Bounds void of all lawful Bounds, called by the Name of *Wheale Trema Trout* Bounds, lying and being in the Parish of *Gwendron*, within the said Stannary, cut and pitcht this Sixteenth Day of September, by *Reynald Bodilly*, to the Use of *E. B.* the North Corner whereof, joins with the Corner of a Pair of Tin Bounds belonging to *Sampson Hill*, Esq; called *Trenethick* Bounds; the East Corner whereof, joins with *George Edwards Fields*, Parcel of the Dutchy Lands, of the Mannor of *Helstone* in *Kirrier*, belonging to *Richard Cock*, Gent. the South Corner thereof joins with a Field now in the Possession of *John Pearce*, Parcel of

of the said Dutchy Lands, and belonging to the said R. Cock; and the West Corner thereof joins with the Lane leading from *Wheale Trema Tront* to the Burrough of *Helstone*, together with one Pair of side Bounds adjoining to the said Tin Bounds, likewise now cut and pitcht by the said *Reynald Bodilly* to the Use of *E. B.* as by the said Bounds, and Limits of the said several Bounds may appear. There must be three Proclamations entred thus:

17 Septemb. 1724. prima proclam'
8 Octob. 1724. secunda proclam'
29 Octob. 1724. tertia proclam'

*Et super inde Judic' &
Breve de possessione.*

*The Form of a Note to be given by Persons arrested in the
Stannary Courts.*

I *John Penprase* do hereby acknowledge, that I am arrested by Vertue of a Stannary Warrant issued out of the Stannary Court of *Penwith* and *Kirrier*, at the Suit of *W. James*, in a Plea of Trespass on the Case, or as the Nature of the Case is, to the Damage of 10 l. In Witness whereof I have hereunto put my Hand this first Day of *Novemb. Anno Dom. 1724.*

*Must be signed
by the Person
arrested in pre-
sence of 2 Wit-
nesses.
Bailiff to take
4 d. for such
Note, vide
Stat. Car. pri-
mi.*

Witness hereto

*The Form of a Note given by the Bail, to all Actions in the
Stannary Courts.*

I *John Williams* do hereby acknowledge, that I am become Bail for the above *John Penprase* at the Suit of *W. James*, in the Action abovesaid, to the Damage abovesaid: As Witness my Hand this first Day of *Novemb. Anno Dom. 1724.*

Witness hereto,

Scire Fac' by an Executor.

Precept' est per Cur' Stannar' pred' Ball'is Stannar' necnon Thom' Everet & eorum cuilibet quod scire faciatis seu, &c. Ric' Reed, quod sit ad prox' cur' Stannar' præd' prox' tenend' ad ostend' si quid pro se habeat vel dicere sciat quare Joh's Oliver gen' Executor' test' & ult' voluntat' Joh's Oliver gen' nuper defunct' Executionem suam pro duab' libris & quindecim solid' de deb'o & duab' libris sexdecim solid' & undecim

*Stannar' de
Penwith &
Kirrier.*

X x

undecim

undecim denar' de dampn' usus eum habere non debeat juxta vim formam & effie'm Recuperationis inde in eodum cur' Stannar' pred' per pred' Joh'm Oliver defunct' usus pred' Ric' Reed nuper recuperat' si sibi viderit expedir' & ulterius secur' & receptur' quod cur' Stannar' pred' in ea parl' Cons' & habeatis seu &c. ibi tunc hoc precept' cum ejus Retorn' dat' sub sigillo officii mei decimo tertio die Januar' Anno Regni Dom' nostri Will' tertii nunc Regis Angl' &c. duodec' Annoq; Dom' 1700.

J. M.

Tertio die Feb. Anno Dom' 1700.

Return there-
on. Virtute istius precepti mihi & al' direct' scir' fec' infra no'iat Ric' Reed quod esset ad hanc cur' ostend' si quid pro se habeat aut dicere sciat' quare infra no'iat Joh's Oliver Executor Executionem suam usus eum pro debo' & dampn' infra script' habere non debeat prout justius mihi precipitur.

Step. Trenowell.

The Form of a Writ of Fieri Facias.

Gwalterus Raleigh Miles &c. Ex parte dic' Dm'ne nostre vobis & cuilibet vestrum mando firmiter Injungen' quod fieri faciat' seu unus vestrum fieri fac' de Bon' & Cattal' propriis J.N. ad xxx s. pro dampn' & x s. & vjd. pro Mic' & expenc' ita quod Denar' eos parat' habeat' in prox' cur' Stannar' pred' pro &c. tenend' post dat' present' ad satisfact' R. H. de quodam Recupat' sua usus pred' J. N. in eadem cur' habita in quodam placit' trans' super Cas' si possit' alit' quod Cap' prefat' defend' per Corpus suum & eum — Cap' fuer' ad Goal' dic' Domine nostre de Lostwithiell duc' fac' ib'm custodiend' pro satisfactione recuperationis pred' & si denar' eos de Bon' pred' Def' fier' fac' non potent' & corpus ejus suum non fuer' invent' tunc denar' eos fier' fac' de Bon' & Cattal' Jo' Doe & Ric' Roe qui pro dic' Def' in loqu' pred' manuc' vel Corpus dici pleg' Cap' & ad Goal' dic' Dm'ne nostre pred' duc' fac' ad recuperatione pred' satisfac' prout superius dic' est mitte etiam tibi custod' pred' Goal' quod cum corpus pred' Def' vel ejus pleg' fuer' cap' & ad te ducto quod tunc ill' in Goal' tuam rec' & sal' custod' quousq; pro ill' deliberatione suffic' habueris Warr' in Mandat' & hoc nullatenus omitt' sub pena incumbent' dat' sub sigillo offic' ducat' pred' &c.

A De

A Declaration for Trespasses against one entering upon the peaceable Possession of another.

Joh's B. attachiatus est ad Respond' T. R. in placit' trans' & unde idem quer' in propria person' sua apparet' querit' & dic' quod talis consuetud' est infra Stannar' de B. usitat' & probat' a tempore cujus memoria homin' non existit quod nullus fac' ingr' in aliquo opere Stannar' super possessionem Stannator' Dm'ne nostre ubi pred' Stannator' pacific' & legitime possessionat' se'ti fuer' de suis d'is operibus per spatium unius Anni & unius diei & si aliis super possessionem alior' Stannator' dic' Dm'ne Regne nostre ingrat' fuerit contra Consuetudin' pred' per fenescal' dic' Dm'ne Regne removat' donec jus & titul' suum int' partes secund' consuetud' & legem Stannat' pred' discussa fuer' pred' tamen J. B. tale die & Ann' vi & Armis (viz.) vangis tribulis & ligoribus (*of which I know not the English*) in un' opus Stannar' humar' ipsius quer' voc' *a Dole of Tin* apud G. infra Jurisdictionem &c. super possessionem dic' quer' contra Consuetud' Stannar' pred' nigrus fuerit & dic' Quer' in pacifica possession' sua promissa ad tunc & ib'm disseisuit & expulsit & ipsius sic disseisit' expulsit a pred' dic' usq; &c. hujusmodi vi potentia & ma nufac' extratenuit & adhuc extratenet & alia enormia ei intulit tam in Contempt' dic' Dm'ne nostre quam ad Grave Dampn' ipsius quer' & con- tra pac' die Dm'ne Regne unde dic' quod deteriorat' est & dampn' habet ad valentiam x l. & inde produc' sectam &c.

One Tinner impleadeth another for entering violently upon his Work.

J. B. quer' usus T. S. in pl'it' trans' &c. unde idem quer' per T. P. Attornat' suam quer. quod dictus Def' xmo Die Maii Ann' R. Regis Henric' VIII. 34 vi & Armis (viz.) in un' opus Stannar' human' voc' *a Dole of Tin* juxt' voc' de 28. Doles in P. infra &c. intravit & ib'm pro nigro Stann' operat' est & nigrum' Stann' ad tunc & ib'm invent' & operat' (viz.) xvj pedes nigri Stann' ad valent' cuilibet pedis xvjs. Cepit & asportavit transgr' pred' quoad operationes nigri Stann' pred' a pred' xmo die Maii dic' Dm'ni Regis 34. nunc usq; in die impetr' hujus quer' (viz.) tertio die Augusti Ann' pred' divers' dieb' & vicib' continuand' & alia &c. ad grave Dampn' ipsius quer' unde dic' quod deter' est & Dampn' habet ad valentiam xv l. & inde produc' sectam &c.

A Tinner impleadeth for working in several Lands.

J. B. querit' usus T. S. in pl'it' trans' & unde idem quer' per T. P. Attornat' suum quer' quod cum dic' Def' xmo die Maii Ann' R. Regis Henric' VIII. 34. vi & Armis (viz.) in super al' terr' infra clausur' dic' quer' existent' apud L. in uno Claus' ib'm vocat' M infra S intravit & ib'm opus Stannar' fecit bundavit & limitavit & infra separ' Terr' suam ib'm absq; licen' dic' quer' pro nigro Stann' fodebat & operat' fuit transgr' predict' quer' ad opar' in separ' Terra sua pred' a pred' xmo die Mens' usq; &c.

The Form of a Bill of Indictment for impleading Tanners in in a foreign Court.

Inquiratur pro Dm'na R. si ubi per divers' Chart' fac' & concess' per divers' Reges Angl' & progenitor' dicte Dm'ne R'ne nunc &c. & per eandem Dm'nam R. Ratificat' & Confirmat' Stannator' suis ducatus sui Cornub' in Com' Cornub' operant' in Stannar' illis que sunt Dominica R. aut alior' ducat' pred' dum operant' in eisdem Stannar' fuit liberi & quieti de pl'itis Nativor' & de omnibus pl'itis & querel' Curiar' Dm'ne R. & herend' suor' qualiter cumq; tangentibus ita quod non respondeant coram aliquibus justic' vel Ministris dicte Dm'ne R. de aliquo placito five querel' infra pred' Stannar' emergent' nisi coram Custod' Stannar' Dm'ne R'ne Ducat' sui pred' except' pl'ita Terre vitæ Membror' attamen S. G. nuper de T. in Com' pred' gen' Cartam pred' minime ponderans ac Machinans Stannator' Dm'ne R'ne Duc' sui pred' contra Tenor' Cart' pred' inde eis Concess' Minus ute pregravan' apud Bodmyn in Com' pred' xmo die Maii Anno &c. Coram Jo. C. & aliis Justiciis Domine R'ne Custod' pace sine Comit' pred' conservand' assign' prosequant' fuer' divers' Billas placita & querel' usus R. R. T. S. & alios *fide dignos* & operadores Stannar' Com' pred' de & pro divers' rebus & Materiis coram Custod' Stannar' & non alibi determinand' & contempt' dicte Dm'ne R'ne ac ad Grave Dampn' operator' Stanni Com' pred' nec non in malo & pernic' Exempl' alior' in hujusmodi Casu de linquent' nisi super hoc Celerius remedium adhibeat' oport' &c. & contra &c.

*One Tinner impleadeth the other for Farm of a
Tin-Work.*

T. J. Summonitus est ad Redend' J. C. in placito quod reddat ei iij s. & iij d. quas ei debet & injuste detinet ut dic' & unde idem Quer' propria persona sua dic' quod cum ipse octavo die Octobris Anno Regni &c. apud T. infra &c. tradidisset & demississet eidem T. J. unum opus Stannar' human' vocat' *a Dole of a Tin-Work* in C. habeand' operand' & occupand' eidem T. P. ac pred' die Octobris Ann' supradic' usq; ad fest' sive Mich' Arch' extunc prox' sequend' reddend' & solvend' inde eidem J. C. & assign' suis iij s. iij d. pro firma operis Stannar' human' pred' ad pred' festum sive Mich' Arch' extunc prox' sequen' habuisset operasset & occupasset ac pred' iij s. iij d. de reddit' & firma pred' pro eodem tempore eidem J. C. a Retro existunt non sol' per quod acc'onem accrevit eidem J. C. ad exigend' & herend' de pefat' T. P. de eodem iij s. iij d. inde tamen T. P. licet sepius requisit' fuisset pred' iij s. & iij d. eidem J. C. nondum reddidit sed ill' ei hujusq; reddere contradixit & ad huc contradicit unde dic' quod deteriorat' est & Dampn' habet ad valentiam iij s. & inde produc' sectam &c.

Stannar' de
Penwith &
Kirrier.

The Answer of a Foreigner in the Stannary Court.

Et pred' D. in propria persona sua venit & dic' quod Curia ista non habet Jurisdic' tenend' pl'it' de materia in Narrat' pred' specificat' quia dic' quod ipse non est nec unquam fuit Stannat' nec in operat' Stanni in Terra Ducat' Dm'ne R'ne aut alicujus alterius person' nec materia in dic' Narrat' Content' non est de aliquo opere Stannar' nec de Stanño tangen' sine pertinent' unde petit judicium si Cur' ista Jurisdic' habet inde tenen' placit' &c.

*The Form of a Declaration against Tanners, streaming the
Tayles of their Works into the fresh Rivers, contrary to
the Statute and Ordinances.*

Robertus T. & M. N. summonit' fuer' ad Respond' W. B. qui tam pro Dm'na R'na quam pro seip' sequitur de pl'ito quod reddat' ei vigint' lib' legalis' monetæ Angliæ quas eidem Dm'ne R'ne & pefat' W. B. debent' & injuste eis detinent' ration' attempt' contra formam Stat' in Parlamento Dm'ni Regni Henric' viij nuper Regis Angliæ &c. pred' metuendissime Dm'ne R'ne nunc Eliz. Dei Gratia &c. apud Westmin' Anno Regni sui xxvijmo erga eos qui operant vel laborant aut operar' laborari faciantur in aliquibus Stannariis operibus, vocat' *Stream*

Stannar' de
Penwith &
Kirrier.

Works, infra Comit' Devon' & Cornub' propeffentes aquas sine submiffion' aut plana loca haben' Cursus ac portus de Plymouth, Tynmouth, Falmouth, & Fowey dic' & provis' &c. & unde idem W. B. quitam pro Dm'na R'na quam pro feip' fequitur in propria persona fua dic' quod cum in Stat' Parlamento dicti Dom' Regis Hen' octavi apud Westmin' die Anno Regni fui xxviiio fupradic' authoritat' ejufd' Parliament' inter ceter Enactibus fic quod nulla perfona direct' operabit aut laborabit in aliquo opere Stannar' vocat' *Stream Works* infra Comit' Devon' & Cornub' prope aliquas refcentes aquas five aqua fubmiffiora loca aut plana loca he'ntia Cursum ad portus de Plymouth, Tynmouth, Dartmouth, Falmouth, & Fowey, fine aliquis eorum portus nec laboravit pred' & lavavit aliquid Stannum in aliquibus operibus Stannar' vocat' *Stream Works* nifi ipfi faciant fuffic' puteos & ftag' fine eorum Buddleor' & Cordor' Anglice vacat' Cord' & ib'm projec' omnes lapides & Sabul' fodit pro ftruct' Stanni pred' ib'm falvo & fecur' Custodiend' a pred' recentibus rivolis & aquis item quod null' pred' cor' lapidum & Sabular' foditor' circa ftruct' Stanni pred' obdefitiam hu'moi puteor' & ftag' per aquam pluniat' inundat'ne tranfact'ne ad aliquum pred' cor' port' fub pena forisfactur' tot' quot' & quilib' tempore vigint' lib' unde una medietas inde effet in dicto Dm'no Reg' alter vero medietas illi pro eodem profequi voluer' per per breve original' Bill' vel querel' debito aut per Informat' in aliqua Cur' dict' Dm'ni Regis in quibus actionem & tefta null' legis vadian' admitteret' pro def' nec aliquod effon' five protectio allocabit' prout in Statuto pred' plenius continent' pred' tamen R. T. M. N. ftatu pred' parvi peudeat' & pena in eodem ftatuto nihil verentes aut formudan' xxo die April Anno Regni dict' Dm'ne R'ne nunc Eliz. Dei Gratia &c. xvjo poft Confectio' actus pred' apud Lawhorne Moore infra Jurisdic' hujus Cur' in quod opere Stannar' vocat' Lawhorne Moore in dicto Com' Cornub' infra &c. adjacent prope recent' aliquam rivolum ib'm habent cursum suum ad port de Fowey pro nigro ftanno laborant & operat' fuer' non habentes fuffic' puteos & ftagn' Buddellor' & Cordor' fine ib'm ad falv' & fecur' custodiend' lapides & ftabula fodita pro ftruct' Stanni a pred' recent' Rivulo habent' cursum suum ad portum de Fowey pred' juxta Form' Statut' pred' quod actio accrevit eid'm W. B. ad Exigend' & habeand' de pefat' Def' pro pred' Dm'na R'na & pro feipfo pred' vigint' lib' iidem tamen R. T. & M. N. licet feplus requifit' pred' xxi. eidem W. B. pro dict' Dm'na R'na & pro feipfo' nond' reddidend' fed ill' ei hucufq; redde contradixerit' & ad huc contradic' unde idem W. B. dic' quod deteriorat' eft ad dampn' habet ad valent' x l. & inde produc' feftam &c. Tam pro Dm'na R'na quam pro feipfo & dic' R. T. & M. N. per W. C. Attornatum suum vener' & Def' & relicte verificat' pro pl'ito tamen dicti quod ipfi idem Def' in fine Cordior' & Buddellor' fuor' fuffic' fecur' ad confervand' gard' & alia mala que

Vide Act Par-
liament.

Plea.

que essent ad nocument' porte port' de Fowey modo & forma prout Statut' nisi exigit' unde ex quo pet' judicium si pred' Dm'na R'na & pred' W. B. ac'ne sua pred' usus eos habere seu Manat' debeant &c.

Ad quem diem venit hic pred' W. B. tam pro dicta Dm'na R'na quam pro seipso & dic' quod ipse a pred' pl'ito pred' R. T. &c. Modo & forma pred' fact' necesse non habet nec per hujus Terre legem tenet' respond' unde pro def' suffic' in hac parte Rufs' petit judicium & quod debet xxi. unacum pro Dampnis suis occasione detentionis deb' pred' sibi adjudic' — Vide *the Stat. set forth at the End of the Stannaries of Cornwall.*

The Defendant is charged with working in *Hawthorne Moore*, having no sufficient Hatches and Ties in the End of his Budles and Cords, &c. For answer whereunto he saith, That he made sufficient Safe-guards in the End of his Budles and Cords, to keep the Gord, and other Ills which should hinder the Port of *Fowey*; and doth not alledge that he made it sufficiently in the End of all the Budles, &c. Also he doth not alledge that it was so at the 11th of *May*, Anno pred' which ought to have been certain; for albeit it were amended after, yet the Cause of Action once given, the Offence is not thereby discharged; so that this Issue should have been, Quod ipse Defen' dicto ximo die Maii Anno supradic' habuit in fine omnium Buddelor' & Cordior' &c. Suffic' hatches & puteos ad conservand' &c. juxta forma &c. sic quod nulla pars lapidum nec stabul' fodito ib'm &c. condut' fuer' in &c. pro &c. Wherefore the said W. B. prayeth Judgment for the Queen and himself, for the Debt, Damages aud Costs of Suit, &c.

The Answer of a Tinner in a foreign Court.

Et pred' Def' in propriis personis suis vener' & defend' vim & injur' &c. & dicunt quod est lex specialis infra totum Stann' Ducat' Cornub' & per diversos Dm'nos Reges Angliæ & progenitores Dm'ne R'ne nunc Stannatoribus ducatus pred' concess' & per eand' Domi'm Re'm nunc eisdem Stannatoribus ratificat' & confirmat' quod nullus Stannator' Dm'ne R'ne respond' coram aliquibus Justic' vel Ministris dic' Dm'ne R'ne vel hered' fuor' de aliquibus pl'itis sive querel' infra pred' Stann' emergen' nisi coram Custode Stannar' dic' Dm'ne pred' Stannar' qui a tempore fuerit exceptis pl'itis terre vite & Membror' ac non recedunt ab operibus suis per summat' alicujus Ministror' dic' Dm'ne R'ne sive hered' fuor' nisi per summat' dic' Custodis die Dm'ne R'ne & hic in Cur' Custod' Stannar' in Cur' Stannar' & non alibi prout per eand' Cartam inde Stannatoribus pred' concess' plus plenius liquet & apparet & pro eo quod pred'

pred' quer' Narr' usus pred' Def' in hac Cur' de & pro titl' & possessione cujusdem operis Stannar' vocat' *Lesa Work* ac de quibusdem aliis transgr' in d'co opere Stannar' fact' & perpetrat' quequid' permiffa sunt determinabilic' five determinand in Cur' Stannar' coram Custode Stannar' five ejus Deputat' vel ejus locum tenen' ib'm & in nulla alia Cur' dic' Dm'ne R'ne vel alior' unde petunt judicium fi Cur' ifta inde alterius loqui voluerit, &c.

A Copy of the Decree of Council between the Tinnars of Devon and Cornwall of the one Party, and Gilbert Brokhous of the other Party.

In the Matter depending in Variance between the Tinnars in the Counties of *Cornwall* and *Devon* of the one Party, and *Gilbert Brokhous* of the other Party, for, and concerning a Lease made by the excellent Prince of famous Memory, King *Edward* the VIth, unto the said *Gilbert Brokhous*, of the Date of the fifteenth of *April* last past, for the preferment, to the said *Gilbert*, of the buying of Tin, to be gotten within the Counties aforesaid for certain Years mentioned in the said Lease, with this Condition expressed in the said Lease, (that is to say) if any Prejudice shall hereafter happen, or grow unto the said Tinnars of *Cornwall* or *Devon*, by or through the Occasion of the said Lease, contrary to the Meaning of these present Indentures, and the same lawfully proved before the most Honourable Privy Council of our said Sovereign Lord, his Heirs or Successors; then our said Sovereign Lord's Pleasure is, and the said *Gilbert Brokhous* is also agreed, that the said *Gilbert Brokhous's* Interest of and in the Premises, shall, from and after such Proof made, and Warning given to the said *Gilbert Brokhous*, or his Associates, cease and no further to be put in use, as the said Indenture at large more plainly may appear: Forasmuch as it hath been many ways well and substantially proved before us, that the Execution of the said Lease hath been already prejudicial to the said Tinnars; and if it should continue and take effect, it shall be to the Hindrance, Loss and Damage of all the Merchants of this Realm, and chiefly Merchant Tinnars and Tin-workers of the said Counties of *Cornwall* and *Devon*: We therefore, by the Queen's Highness Commandment, after due Examinations of the Allegations made on the Behalf of the Inhabitants of the said Counties of *Cornwall* and *Devon*, and such Answer as *Gilbert Brokhous* made on the same, and the Depositions of certain Witnesses deposed in that Matter, well considered, do decree and pronounce the said Lease and Demise, being conditional, as is aforesaid, to have failed in the said Condition, in that, and forasmuch,

forasmuch, as the Use and Continuance of the said Lease hath been, is, and should be hereafter more and more hurtful and prejudicial to the said Counties, to be utterly void, frustrate, and of no effect, foreseeing, nevertheless, that this Decree, or any thing herein contained, extend not to impair or touch the Queen's Highness's Prerogative Royal, annexed unto her Highness's Crown, as her Ancestors heretofore have had; but that her Highness may use the same, to have the Preferment of buying of Tin, when it shall stand with her Highness's Pleasure to use the Commodity thereof.

Dated at the Queen's Highness's Palace at Westminster, the 18th of December, in the first Year of her Grace's most prosperous Reign, ultimo die Maii: Subscribed with the Hands of the most Honourable Council,

Ro. Rochester,	G. Gage,
Arundel, Bedford, Hastings,	W. Peter,
H. Gernegam,	J. Bourne,
T. Norfolk,	H. Suffex.

Will'mus Thomas Querit' versus pl'um Williams de pl'ito transgr' super Casum.

*Et sunt pleg' de process' Jo. Doe,
& Ric' Roe.*

Et unde idem quer' per Jonathan H. Attor' su' querit' & dic' quod cum pred' Def' primo die Novemb' Anno Dom' Mill'mo septingentesimo & vicesimo hic apud Helstone infra Jur' hujus Cur' indebitat' fuit eidem quer' in summa quindecim solid' & undecem denar' legalis monetæ Magnæ Britanniae pro opere Ferrario (Anglice *Smith-work*) eidem Def' per pifat' quer' ante tempus illud vendit' & delib' & pred' Def' sic inde indebitat' existen' in Cons' inde super se assumpsit & eidem quer' adtunc & ib'm fidelit' promisit quod ipse idem Def' pred' quindecim solid' & undecem denar' eidem quer' cum inde postea requisit' esset bene & fidelit' solvere & contentare vellet cumq; etiam pred' Def' postea scilicet eodem' primo die Novemb' pred' Anno supradic' apud Helstone pred' infra Jur' Cur' pred' in Cons' quod pred' quer' ad sp'ial' instanc' & requisit' ipsius Def' fecisset & operasset pro pifat' Def' diversa al' opera Ferraria (Anglice *Smiths-work*) super se assumpsit & eidem quer' adtunc & ib'm fidelit' promisit quod ipse idem Def' tant' Denar' sum' quant' ipse idem quer' pro opere Ferrar' ult' mentionat' renabilit' meruisset habere eidem quer'

Stannar' de
Penwith &
Kirtier.

*Indebitat' as-
sumpsit & in
simul Comp'*

cum inde postea requisit' esset bene & fidelit' solvere & contentare vellet & pred' quer' in pco' dic' quod ipse pro opere Ferrario ult' mentionat' per pred' quer' pro p'fat' Def' sic ut p'fedi' fact' renabilit' habere meruisset summam al' quindecim solid' & undecem denar' legales monet' Magnæ Britannia unde pred' quer' p'fat' Def' notie' dedit cumq; etiam p'fat' Def' postea eodem primo die Novemb' pred' Anno supradic' apud Helstone pred' infra Jur' Cur' pred' infimul computasset cum p'fat' quer' de diversis denar' summis eidem a p'fat' Def' tunc debet' & insolut' & super Cump't' ill' pred' Def' invent' fuit in arrearag' erga eund' quer' & cogn' se debere p'fat' quer' all' summam quindecim solid' & undecem denar' legalis monet' Magnæ Britannia & pred' Def' sic inde in arrearag' invent' & existen' in Cons' inde super se assumpsit & eidem quer' ad tunc & ib'm fidelit' promisit quod ipse idem def' pred' ult' mentionat' summam quindecim solid' & undecem denar' eidem quer' cum inde postea requisit' esset sc'lit bene & fidelit' solvere & contentare vellet pred' tamen def' separal' promission' & assump' suas pred' eidem quer' per p'fat' def' in forma pred' fact' Mi'e Curan' sed machin' & fraudulent' intenden' eund' quer' in hac parte callide & subdole decipere & defraudare pred' separal' denar' summas in toto se attingen' ad quadragint' septem solid' & novem denar' aut aliquid inde denar' eidem quer' nondum solvit (licet ad hoc faciend' pred' def' per p'fat' quer' postea sc'lit secundo die Novemb' pred' Anno supradic' apud Helstone pred' infra Jur' Cur' pred' sepius requisit' esset) sed ill' ei solvere o'io hucusq; recusavit & adhuc recusat unde idem quer' dic' quod ipse deteriorat' est & dampn' habet ad valentiam quinquagint' solid' & unde produc' sectur' &c.

Stannar' de
Penwith &
Kirrier.

*Jabanna Tyack vid' querit' versus Joh'm Thomas Executor' Test'
& ult' voluntat' Joh'nis Thomas patris sui nuper defuncti
de pl'ito trans' super Casum.*

*Et sunt pleg' de pross' Jo. Doe,
& Ric' Roe.*

An Infimul
Computasset
for Wares, &c.
brought against
an Executor.

Et unde idem quer' per Thom' P. Attorn' suum querit' & dic' quod cum pred' Joh'es Thomas defunct' in vita sua primo die Decemb' Anno Dom' Millesimo septingentesimo nono hic apud Helstone infra Jur' hujus Cur' infimul computasset cum p'fat' quer' de diversis denar' summis eidem quer' a p'fat' Joh'ne Thomas defunct' in vita sua ante tempus ill' debet' arre'tro & insolut' & super Compo' illo pred' Joh'es Thomas defunct' in vita sua invent' fuit in arrearag' erga eund' quer' & cogn' se debere p'fat' quer' summam septendecim lib' & decem solid' leg'lis monet' Magnæ Britannia & pred' Joh'es Thomas defunct'

defunct' in vita sua sic inde in arrearag' invent' & existen' in cons' inde super se assumpsit & eidem quer' ad tunc & ib'm fidelit' promissit quod ipse idem Joh's Thomas defunct' in vita sua pred' septemdecim libr' & decem solid' eidem quer' cum inde postea requisit' esset bene & fidelit' solvere & contentare vellet pred' tamen Joh's Thomas defunct' in vita sua & pred' def' post mortem ipsius Joh's Thomas defunct' promission' & assumpt' ipsius Joh's Thomas defunct' eidem quer' in forma pred' factum Mill' curam sed Machinan' & fraudulent' intenden' ac eorum alter' Machinan' & fraudulent' intenden' eand' quer' in hac parte callide & subdole decipere & defraudare pred' Joh's Thomas defunct' in vita sua nec pred' Def' post mortem ipsius Joh's Thomas defunct' pred' septemdecim libr' & decem solid' nec aliquem inde denar' eidem quer' nondum solvere nec eorum alter solvit (licet ad hoc faciend' pred' Joh's Thomas defunct' in vita sua postea sc'lt secundo die Decemb' pred' Anno supradict' ac pred' Def' post mortem ipsius Joh's Thomas defunct' scil' primo die Anno Dom' Mill'mo septingentesimo & decimo & sepius postea apud Helstone pred' infra Jur' Cur' pred' per p'fat' quer' sepius requisit' fuisset) sed ill' ei solvere pred' Joh's Thomas defunct' in vita sua & pred' defend' post mortem ipsius Joh's Thomas defunct' recusaver' & pred' Def' ill' ei solvere adhuc omnino recusat' ad dampn' ipsius quer' vigint' libr' & inde produc' fecit &c.

Rob'tus Ralph quer' versus Joh'em Dunstone de pl'ito trans & insult'.

Stannar' de Penwith & Kirrer.

Et sunt pleg' de prosequen' Jo' Doe, & Ric' Roe.

Et vade idem quer' per Thom' P. Attorn' suum quer' de eo quod ipse idem def' die Anno Regni Dom' Georgii nunc Regis Magnæ Britanniae &c. hic apud Helstone infra Jur' hujus Cur' vi & Armis &c. in & super pred' Rob'tum insult' fecit & ipsum Rob'tum ad tunc & ib'm verberavit vulneravit & maletractavit ita quod de vita ejus maxime desperabat & alia enormia ei intulit contra pacem dic' Domini Regis nunc &c. & ad dampn' ipsius quer' trigint' solid' & inde produc' fecit. &c.

Trespass and Assault.

Gaverig'

Stannar' de
Penwith &
Kirrier.

*Gaverigan' St. Aubyn Arm' Quer' versus Ricard' Holman aliis
dic' Ricard' Holman of the Parish of Gweunop in the
County of Cornwall, Tinner, de placito quod reddat ei
duodecim libras & quinque solid' bone & legalis monet',
hujus R'ni quas ei debet & injuste detinet &c.*

*Et sunt pleg' de pros' Jo' Doe,
& Ric' Roe.*

Declaration
on a Bond.

Et unde idem quer' per Joh'm P. Attorn' suum quer' & dic'
quod cum pred' Def' decimo octavo die Octobris Anno Dom'
Mill'mo sexcentesimo quinto hic apud Helstone infra jur'
hujus cur' per quand' Bill' sur' obligat' sigillo ipsius Def' sigil'
& hic in Cur' prolat' cujus dat' est ejusdem die & Anno
obligasset se heredes Executores & Administ' suos firmit'
per eand' Billam prefat' quer' in summa duodecim libr' & quinq;
solid' bone & legalis monet' Angl' solvere vel solvi causare dict'
quer' Executoribus Administ' vel assign' suis summon' sex libr'
duo solid' & sex denar' si'lis legalis monet' Angl' apud vel ante
vicefim' nonum diem Septembr' tunc prox' sequen' dat' ejusd'
bille obligat' prout per eand' Bill' plenius liquet & pred' quer'
in facto dicit quod pred' Def' non solvit vel solvi Causavit eidem
quer' pred' sex libr' duos solid' & sex denar' apud vel ante
pred' vicefim' nonum diem Septemb' prox' sequen' dat' Bill'
obligator' pred' quas ei apud vel ante eund' diem solvisse de-
buit sic'm' formam & effectum ejusdem Bille obligator' per
quod actionem accrevit eid' quer' ad exigend' & herend' de
prefat' Def' pred' duodecim libr' & quinque solid' pred' tamen
Def' licet sepius requisit' &c. pred' duodecim libr' & quinq;
solid' eidem quer' nond' solvit sed ill' ei hucusq; solvere o'io
contradixit & adhuc contradicit ad dampn' ipsius quer' decem
libr' & unde produc' sectam &c.

Stannar' de
Penwith &
Kirrier.

*Jenkin Vingoe quer' versus Joh'm Jenkins de Madderne in placito
transgr' super Casum.*

*Et sunt pleg' de pros' Jo' Doe,
& Ric' Roe.*

Declarat' in
Cas' sur' as-
sumpsit.

Et unde idem quer' per Georgium Attornatum suum
quer' quod cum ipse idem quer' vicefimo primo die Julii Anno
Dom' Mill'mo septingentesimo sexto apud St. Ives infra Jur' hu-
jus Cur' fuit & adhuc est Restio Anglicæ, a Rope-maker, & pred'
Def' eodem die & Anno & loco pred' in Cons' quod pred' ad
sp'ial' instanc' & requisit' ipsius Def' venderet & deliberaret
eidem Def' un' funem ipsius quer' super' se assumpsit & eidem
adtunc

adtunc & ibidem fidelit' promisit quod ipse idem Def' solveret eidem Quer' juxta ratam trium denar' & unius obuli pro qualibet' librat', Anglice, *pound Weight*, inde cum inde extunc postea requisit' esset & pred' Quer' in facto dicit quod ipse fidel' promission' & assumption' ipsius Def' eidem Quer' in forma pred' fact' fidem adhiben' postea scilicet die Anno & loco supred' vendidit & deliberavit eidem Def' un' funem ipsius quer' quodq; funis pred' sic ut prefert' vendit' & delib'at' juxta pred' rotam trium denar' & unius obuli pro qualibet' librat' inde ascende- bat, Anglice, *did amount unto*, sum' octodecim solid' novem denar' & unius obuli legalis Monetæ & deinde pred' Def' ad- tunc & ibidem notic' h'uit cumq; etiam pred' Def' postea scil'c' vicesimo primo die Julii Anno Dom' Mill'mo septingentesimo septimo apud St. Ives pred' in Cons' quod ipse idem quer' ad sp'ial' instan' & requisit' ipsius Def' ante tempus ill' vendidisset & delib'asset eidem Def' un' funem ipsius Quer' pro usu cujus- dem Stannar' operis vocat' *Carnenorth Work*, infra Paroch' de de St. Just' infra Jur' hujus Cur' super se assumpsit & eidem Quer' adtunc & ibidem scilicet die Anno & loco pred' ult' mentionat' fidelit' promisit quod ipse idem Def' tant' denar' quant' funis pred' ult' mentionat' tempore vendic' & delib' inde bene valebat eidem Quer' cum inde extunc postea re- quisit' esset bene & fidelit' solvere & contentare vellet & pred' Quer' infacto' dicit quod funis pred' ult' mentionat' tempore vendic' & delib' inde bene valebat al' octodecim solid' novem denar' & un' obul' legalis monetæ & deinde pred' Def' adtunc notic' habuit' scilicet apud St. Ives pred' cumq; etiam pred' Def' postea scilicet pred' vicesimo primo die Julii Anno & loco supred' ult' mentionat' in Cons' quod ipse idem Def' indebitat' fuisset eidem Quer' in summa al' octodecim solid' novem denar' & unius obul' pro al' fune ipsius Quer' eidem Def' ad s'p'ies sp'ial' instanc' & requisit' suas ante tempus illud vendit' & deliberat' & pereund' Def' a prefat' Quer' h'it & recept' super se as- sumpsit & eidem Quer' adtunc & ibidem fidelit' promisit quod ipse idem Def' pred' octodecim solid' novem denar' & un' obul' ult' mentionat' eidem Quer' cum inde extunc postea requisit' esset bene & fidelit' solvere & contentare vellet cumq; etiam pred' Def' postea scilicet vicesimo primo die Julii Anno Dom' Mill'mo septingentesimo septimo supred' apud St. Ives pred' inde- bitat' fuisset eidem Quer' in al' octodecim solid' novem denar' & un' obul' pro tali sum' per ip'm Def' pro prefat' Quer' & ad ejus usum ante tempus ill' h'it & recept' pro quadam fune per eund' Quer' pro usu cujusdem Stannar' operis infra paroch' de St. Just' pred' vocat' *Carnenorth Work* ad sp'ial' instanc' & requisition' ipsius Def' ante tempus ill' vendit' & deliberat' & sic inde indebit' existen' pred' Def' in Cons' inde super se assumpsit & eidem Quer' adtunc & ibidem scilicet die Anno & loco ult' mentionat' fidelit' promisit quod ipse idem Def' pred'

al' octodecim solid' novem denar' & un' lobul' ult' mentionat' eidem quer' cum inde extunc postea requisit' esset bene & fidelit' solvere & contentare vellet pred' tamen Def' separal' promission' & assumption' suas pred' in forma pred' respective facias Mill' curan' sed machinan' & fraudulent' intenden' eund' Quer' in hac parte callide & subdole decipere & defraudare pred' separal' denar' nec aliquod partem inde eidem Quer' nondum solvit seu aliquolibet pro eisdem contentavit licet hoc ad faciend' pred' Def' postea primo die Martii Anno Dom' Mill'mo septingentesimo undecimo & sepius postea apud St. Ives pred' per eund' Quer' requisit' fuisset sed ill' ei solvere seu contentare omnino hucusq; recusavit & adhuc recusat ad dampn' ipsius Quer' triguit' solid' & unde produc' sectam &c.



THE

THE
Laws and Customs
OF THE
STANNARIES

IN THE
County of *DEVON*;

Revised and Corrected according to the Modern Practice.

E H T

Laws and Customs



STANNIERS

Э Н Т И И

County of DENN

Revised and Corrected according to the Modern Practice.

THE
 Laws and Customs
 OF THE
 STANNARIES
 IN THE
 County of DEVON.

The CHARTER *granted to the* TINNERS
in the County of DEVON, *by King*
 EDWARD I.

ABSTRACT *of the Confirmation of the said Charter, by
 divers Kings of this Realm.*

HENRY by the Grace of God, King of *England* and
France, Lord of *Ireland*; To all and singular to
 whom these Presents shall come, greeting: We under-
 stand by the Letters Patents of the late Sovereign
 Lord *Edward IV.* King of *England*, a Confirmation was made
 by these Words, &c.

EDWARD by the Grace of God, King of *England* and *France*,
 Lord of *Ireland*, To all to whom these Presents shall come
 greeting: We understand by these Letters Patents of the
 Sovereign Lord *Edward III.* late King of *England*, our Proge-
 nitor, made in these Words, &c.

EDWARD by the Grace of God, King of *England* and
France, Lord of *Ireland*, To all to whom these present Letters
 shall come, greeting: We understand by our Letter caused to be

B b b

made

made under our Seal at our returning into *England*, by these Words, &c.

EDWARD by the Grace of God, King of *England*, Lord of *Ireland*, and Duke of *Aquitaine*, To all Arch-Bishops, Bishops, Abbots, Priors, Earls, Barons, Justices, Sheriffs, Governours, and Ministers; and to all Bailiffs, and other his Faithful, Greeting: We understand by a Writing confirmed, which Lord *Edward*, late King of *England*, our Father, caused to be made to the Tin-Workers of the County of *Devon*, in these Words, &c.

EDWARD by the Grace of God, King of *England* and *France*, Lord of *Ireland*, and Duke of *Aquitaine*, To all Arch-Bishops, Bishops, Abbots, Priors, Earls, Barons, Justices, Sheriffs, Governours, Ministers, and to all Bailiffs, and other his Faithful, Greeting: We understand by Writing, which the Lord *Edward* of noble Memory, sometime King of *England* our Father, made to the Tin-Workers of the County of *Devon*, in these Words:

EDWARD by the Grace of God, King of *England*, Lord of *Ireland*, and Duke of *Aquitaine*, To all Arch-Bishops, Bishops, Abbots, Priors, Earls, Barons, Justices, Governours, Ministers, and to all Bailiffs, and other his Faithful, Greeting.

*Pleas of Land,
Life and Limb,
are excepted.*

SCiatis nos ad Emendationem Stannariarum nostrarum in Com' Devon' & ad Tranquilitatem & Utilitatem Stannatorum nostrarum præd' earundem Concessisse pro nobis & hæredibus nostris, quod omnes Stannatores prædicti operantes in Stannariis illis quæ sunt Dominica nostra dum operantur in eisdem Stannariis sint liberi & quieti de placitis natorum, & de omnibus placitis & querelis Curiam nostram & hæredum nostrarum qualitercumq; tangentibus. Ita quod non respondeat coram aliquibus Justiciariis vel Ministris nostris seu hæredum nostrarum de aliquo placito seu querela infra prædictas Stannarias emergente nisi coram Custod' nostro Stannariarum nostrarum prædictorum qui pro tempore fuerint, exceptis placitis terræ, vitæ & membrorum, nec recedant ab operationibus suis per summonitionem alicujus ministrorum nostrarum, seu hæredum nostrarum nisi per summonitionem dicti Custodis nostri; & quod quieti sint de omnibus Tallagiis Theoloniis Stallagiis Auxiliis & aliis Customis quibuscumq; in villis portubus feriis & mercatis infra Com' prædictum de bonis suis propriis: Concessimus etiam eisdem Stannatoribus quod fodere possint Stannum & Turbas ad Stannum fundendum ubiq; in terris, moris, & vastis nostris & aliorum quorumcumq; & Com' præd' & aquas & Cursus aquarum ad operationes Stannariarum prædictarum divertere, ubi & quoties opus fuerit; & emere Buscam ad functuram Stanni, sicut antiquitus fieri Consuevit sine impedimento nostri vel hæredum nostrarum Episcoporum, Abbatum, Priorum, Comitum, Baronum, seu aliorum quorum-

quorumcumq; & quod custos noster prædictus vel ejus locum tenens, teneat omnia placita inter Stannatores præd' emergentia & etiam inter ipsos & alios forinfecos de omnibus transgressionibus querelis & contractibus factis in locis, in quibus operantur infra Stannarias præd' similiter emergentia: Et quod idem custos habeat plenam potestatem ad Stannatores præd' & aliis forinfecis in hujusmodi placitis justitiand', & partibus justitiam faciend' prout justum & hætenus in Stannariis illis fuerit usitatum: Et si qui Stannatorum præd' in aliquo deliquerint per quod incarcerari debeant per custodem prædictum arrestentur, & in Prisonsa Nostra de *Lidford*, & non alibi custodiantur, & detineantur quousq; secundum legem & consuetudinem regni nostri deliberentur & si aliqui Stannatorum præd' super aliquo facto infra comitatum præd' non tangente Stannarias præd' se posuerint in inquisitionem patriæ; una medietas juratorum inquisitionis hujus sit de Stannatoribus præd' & alia medietas de forenfecis &, de facto totaliter tangente Stannar' præd' fiant Inquisitiones sicut hætenus fieri consueverant; & si quis eorundem Stannatorum fugitivus fuerit, vel utlegatus vel aliquod delictum fecerit pro quo catalla sua amittere debeat catalla illa per Custodem præd' & Coronatorem nostrum Comitatus præd' apprecientur & per ipsos proximus villatis liberentur ad respondendum inde nobis & hæredibus nostris; coram justiciariis itinerantibus in Com' præd' volumus insuper & firmiter precipimus quod totum Stannum, tam album quam nigrum ubicunq; inventum & operatum fuerit in Com' præd' ponderetur apud *Tavistock, Asperton, & Chaggeford*, per pondera nostra ad hoc ordinata & signata sub forisfactura totius Stan' præd' & quod totum illud Stannum coignetur in eisdem villis singulis annis coram custod' præd' ante diem Sancti Michaelis in Septembris sub forisfactura præd'. Concessimus pro nobis & hæredibus nostris quod omnes Stannatores nostri præd' totum Stannum suum sic ponderatum licite vendere possint cuicumq; voluerint in villis præd' faciendo inde nobis & hæredibus nostris Coignagium & alias consuetudines debitas & usitatas nisi nos vel hæredes nostri Stannum illud emere voluerimus: quare volumus & firmiter præcipimus pro nobis & hæredibus nostris quod Stannatores nostri præd' habeant omnes libertates, liberas consuetudines, & quietantias supra scriptas & quod eis sine occasione vel impedimento nostri vel hæredum nostrorum, justiciariorum escaetorum vicecomitum, aut aliorum ballivorum seu ministrorum nostrorum quorumcumq; rationabiliter gaudeant & utantur in forma præd' his testibus venerabilibus patribus W. Covent' & Lichfeld' S. Sarum & J. Kerlion, episcopis; Henrice de Laci Comit' Lincoln, Radulpho de Monte Hermerii Comit' Gloucest' & Hertf' Humfredo de Bohun Comit' de Hereford & Essex' Adomaro de Valencia, Hugone le de Spenfer, Johan' de Hastings, & aliis Dat' per manum nostram apud Westmonasterium decimo die Aprilis An. Regni nostri 33^{tio}.

Nos

Nos autem Concessionem prædictas ratas & gratas habentes easdem pro nobis & hæredibus nostris quantum in nobis est, concedimus & confirmamus sicut carta prædicta rationabiliter testatur his testibus venerabilibus V. V. Archiepiscopus Ebor' Angliæ primatæ; W. Wigorn' Episcopo Cancellario nostro Gilberto de Clare Com' Gloucestriæ & Herefordiæ Johan' de Warrenna Com' Surræi, Roberto de Clifford Pagano Tibetoti Roberto filio Pagani Senescallo hospitii nostri & aliis dat' per manum nostram apud Ebor' quarto decimo die Augusti An' Reg' nostri quarto.

Nos autem Concessionem prædictas ratas & gratas habentes easdem pro nobis & hæredibus nostris quantum in nobis est præd' Stannatoribus Concedimus & confirmamus sicut carta nostra præd' rationabiliter testatur propterea volentes eisdem Stannatoribus gratiam facere uberiores in hac parte concedimus eis pro nobis & hæredibus nostris quod ipsi dum operantur in Stannariis illis quieti sint de Muragiis Stallagiis taxationibus & contributionibus quibuscunq; de propriis bonis suis in Comitatu præd' his Testibus venerabilibus patribus W. Archiepiscopo Ebor' Angliæ primatæ; J. Elien Episcopo Cancellario nostro; H. Lincoln' Episcopo Thesaurario nostro Thom' Comitæ Norfolciæ & Marefcallo Angliæ Avunculo nostro Char' Johan' de Warrenna Com' Surræi & Thom' Wake, Joh' de Boos Senescallo hospitii nostri & aliis dat' per manum nostram apud Stanhope, sexte die Augusti An' Reg' nostri primo.

Nos autem tenorem carte nostre sub sigillo quo nunc utimur in Anglia tenore præsentium duximus exemplificandum in cujus rei Testimonium has literas fieri fecimus patentes, Teste meipso, apud Langley duodecimo die Novembris An. Reg' nostri Angliæ decimo sextimo Reg' vero nostri Francie quarto.

Nos autem literas prædictas ac omnia & singula in eisdem contento rata & grata habentes easdem pro nobis & hæredibus nostris quantum in nobis est acceptamus & approbamus ac nunc Stannatoribus Stannariarum præd' & eorum successoribus ratificamus & confirmamus prout litere prædictæ rationabiliter testantur in cujus rei testimonium has literas nostras fieri fecimus patentes teste meipso apud Westmonasterium vicesimo septimo die Novemb' An' Reg' nostri primo.

Nos autem cartas & literas præd' & omnia ac singula in eisdem contenta rata & grata habentes easdem pro nobis & hæredibus nostris quantum in nobis est acceptamus & approbamus ac dilectis nobis nunc Stannatoribus Stannarium præd' & eorum successoribus tenore præsentium ratificamus & confirmamus prout carte & litere supradictæ rationabiliter testantur in cujus rei testimonium has literas nostras fieri fecimus patentes Teste Meipso apud Westmonaster' duodecimo die Febr' An' Reg' nostri tertio.

Pro quatuor Marcis solut' in Hanaperio.

Devon

Devon' magna curia Domini Regis Ducatus sui Cornubiæ Te-
ata apud Crockerentorre in Comitatu Devon' coram Thomæ De-
neys Armigero locum tenente Henrici Merney Militis custod'
Stannariæ Domini Regis in Com' Devon' vicessimo quarto die
Mensis Septembris Anno Regni Regis Henrici octavo secundo.

*The Names of the Jurates in the Stannary Court of
of Chaggeforde.*

<i>John Walcot of Chudlegb.</i>	<i>Thomas Miller.</i>
<i>John Braboun.</i>	<i>William Caselegb.</i>
<i>Thomas Staplehill.</i>	<i>William Furse.</i>
<i>William Ryse.</i>	<i>William Denbolde.</i>
<i>John Widdon.</i>	<i>Alexander Weekes.</i>
<i>Robert Foxforde.</i>	<i>Thomas Batishyll.</i>
<i>Robert Wanell.</i>	<i>Thomas Tomlyn.</i>
<i>William Furseland.</i>	<i>John Asbe.</i>
<i>Robert Windeyate.</i>	<i>Richard Crote.</i>
<i>Richard Wratt.</i>	<i>William Mowrie.</i>
<i>John Nucombe, jun.</i>	<i>Galfridus Loskey.</i>
<i>William Noseworthy.</i>	<i>John Smith Corser.</i>

Jurates of the Stannary Court of Aysburton.

<i>Richard Hamlyn.</i>	<i>Richard Baker.</i>
<i>John Vele.</i>	<i>John Wydecombe.</i>
<i>John Bonycombe.</i>	<i>Richard Hart.</i>
<i>John Maddock.</i>	<i>William Widecombe.</i>
<i>William Miller.</i>	<i>John Clyffe.</i>
<i>John Baron.</i>	<i>William Edward.</i>
<i>William King of Hole.</i>	<i>John Saunder.</i>
<i>John Eyre.</i>	<i>Thomas Gaveracke.</i>
<i>Richard Langworthy.</i>	<i>Michell Sperekewill.</i>
<i>Thomas Mathew.</i>	<i>John Baker.</i>
<i>John Exte of Breuston.</i>	<i>Robert Tomlyn.</i>
<i>Richard Foxforde.</i>	<i>William Berde.</i>

Jurates of the Stannary Court of Plymton.

<i>William at Hele.</i>	<i>William Brussey</i>
<i>William Rede.</i>	<i>John Elberto</i>
<i>John Beare.</i>	<i>Roger Eggecombe.</i>
<i>Nicholas Brugge.</i>	<i>William Chreston.</i>
<i>Roberto Batin.</i>	<i>Furdan Brugg.</i>
<i>Nicholas Combe.</i>	<i>Elias Elford.</i>
<i>John Hede.</i>	<i>Andrew Watts.</i>
<i>Water Adam.</i>	<i>Robert Hamme.</i>
	<i>C c c</i>
	<i>William</i>

*William Odymmer.**John Peake at Hele.**William Tyllam.**William Forde.**John Scobell.**Richard Rose.**Richard Pomerie.**William Wyet.*

Names of the Jurates of the Stannary Court of Tavistock.

*Stephen Toker.**Richard Langesforde.**John Chreston.**John Leywood.**John Glubb.**John Horewill.**John Cholwill.**John Gye.**John Peke of Way.**Thomas Ford.**John Draper.**Thomas Adam.**William Sobed.**John Hyllam.**William Gyll.**John Eston.**Robert Borne.**Robert Heyne.**Henry Humfry.**Roger Langesforde.**William Stephen.**John Tanner.**Henry Haly.**John Hart.*

Which said Jurates being sworn and try'd by the Assent and Consent of all the Tinnners in the County aforesaid, enact, ordain and constitute, That every Statute of the Tinnners, afore this Time then made, to be void, broken, and of none effect; and those done anew to be in this Court affirmed as hereafter followeth.

I.

Be it affirmed and enacted at this present Court, that all manner of Pleas be pleadable in the Tin-Court, and all manner of Matters before the Warden or his Deputy, or Steward, for the time being, except three, that is to say, Plea concerning Land, Life and Mayhem, as is expressed in our Charter.

II.

And also be it enacted, that no Deliverance, nor Withernam, be delivered by the Warden, under Warden, or Steward, to any Person or Persons, for any Tin, nor for any Matter touching Tin or Tin Works.

III.

Vid. Char.
Ed. I. and the
Exposition of
Char. 51.
Ed. III. & a-
quas, & cursus
aquarum ad
operat diver-
tere ubi &
quoties, &c.

Also be it affirm'd and enacted, that it shall be lawful for every Man to dig Tin in every Place within the County of Devonshire, where Tin may be found; and also to carry Water to their Works, without any let or trouble of any Person or Persons, according to the old Usage and Confirmation of our Charter,

ter, and according to our Custom out of Time, that no mind is, or hath been used. And if any Person or Persons, lett, trouble, or vex any Man, to dig Tin, or to carry Water for the same, contrary to our Custom and Usage; if it be found by Verdict of twelve Men at the Law Day, he that so letteth, vexeth, or troubleth any such Person or Persons, shall fall in the Penalty of Forty Pounds, as oft as he so letteth, vexeth, or troubleth; the one half thereof, to my Lord Prince, and the other half to him that was so letted, vexed, or troubled, and a *Fieri Facias* to be awarded, as well for my Lord Prince, as for the Party.

IV.

Also be it affirmed and enacted, that all Tin gather'd, wash'd, and made clean, within the Jurisdiction of the said Stannaries, be fined and made Tin before the Feast of *Michaelmas*, and so brought to the Coinage, and there coined the same Feast, upon Pain of Forfeiture of the same Tin to my Lord Prince; and ever Person that so coineth white Tin, shall pay for the Coinage of every Hundred of Tin so coined, xviii d. ob. q. and also yearly at *Michaelmas*, viii d. call'd white Rent.

V.

Also be it affirmed and enacted, that no Action from henceforth shall be sued, nor taken, against any Spalliar, for working in any Tin Work, but against him or them that claimeth the Freehold.

VI.

Also be it affirmed and enacted, that if any Person or Persons, being Tinner, voluntarily appear before any Man (except it be before the Warden or his Deputy, for any Matter determinable afore the said Warden) if it be found by Verdict of twelve Men at the Law-day, that then he to make Fine with the Warden or his Deputy, after his or their Discretion. And if it be found by Verdict of twelve Men, at the Suit of the Party, then shall he lose ten pound, the one half to my Lord Prince, and the other half to him that will sue for it, and a *Fieri Facias* to be awarded, as well for my Lord Prince as for the Party.

Vide Char. Ed. I. ita quod non resp' coram aliquibusque Justiciariis, &c. Nisi coram Custod' nostro Stannar' &c.

VII.

Also be it affirmed and enacted, that from henceforth no Tinner sue any other Tinner for any Tin or Tin Works, but only in the Tin Court. And also that no Tinner sue none other Tinner for any other Cause (except Plea concerning Land, Life, and Mayhem, but in the Tin Court, the Court of *Lidford*, or else in the Court of whom he holdeth, after the Custom and Manner, upon pain of a reasonable Fine to be assessed by the Warden or his Deputy. If it be found by Verdict of twelve

Men

Men at the Law-Court, and if it be found by Verdict of twelve Men, at the Suit of him that was so sued, he shall fall in the Penalty of ten Pound, the one half to my Lord Prince, and the other half to him that was so sued, and a *Fieri Facias* to be awarded, as well for my Lord Prince as for the Party.

VIII.

Vide Char. I.
& E. III.

Also be it affirmed and enacted, that no Tinner nor Spalliar, fetch any Warrant nor Superfedeas of the Peace, against any Tinner or Spalliar, but only of the Warden or his Deputy, and if it be found by Verdict of twelve Men at a Law-day, he shall make Fine with the Warden or his Deputy. And if it be found by Verdict of twelve Men, at the Suit of the Party, he shall lose a hundred Shillings, the one half to my Lord Prince, and the other half to him that was so grieved, and a *Fieri Facias* to be awarded, as well for my Lord Prince as for the Party.

IX.

Also be it affirmed and enacted, that if any Person or Persons enter into any Tin Work with force, and so take away any Tin out of any Tin Work, if it be found by Verdict of twelve Men at a Law-day for my Lord Prince, he shall be committed to *Lydford*, and there to remain till he make Fine with the Warden or his Deputy, and if the said Entry or taking away of Tin, be found by Verdict of twelve Men, before the Warden, his Deputy, or his Steward, at the Suit of the Party that is so disseized, or hath his Tin so taken away, he that so entreth or taketh away any such Tin, shall fall in the Penalty of forty pound, the one half to my Lord Prince, and the other half to the Party that is so grieved, and a *Fieri Facias* to be awarded as well for my Lord the Prince, as for the Party.

X

Also be it affirmed and enacted, that no Person or Persons being Tinnars, shall be returned in any Jury for the King, nor between Party and Party, in no Court of the Stannary, but only in the Court where he dwelleth.

XI.

Vide Stat.
Hen. VIII.
Chap. 9. No
Person shall
bargain, buy,
or obtain any
disputed
Rights or Titles.

Also be it affirmed and enacted, that if any Person or Persons give or promise any Tin Work, or part of any Tin Work, that is in variance, or debate, between Party and Party, to any Gentleman, or other Person to have Lordship or Maintenance for the same, the said Work, or part of the said Work, so given or promised, shall remain to the elder Owners, and he that so giveth or promiseth, and he that so taketh, if it be found at a Law Court by Verdict of twelve Men, they both shall make Fine with the Warden or his Deputy, and if it be found by Verdict of twelve Men at the Suit of the Party, in any Action of Maintenance, every of them shall fall in the Penalty, of 20 l. the one

one half to my Lord Prince, the other half to him that will Sue, and a *Fieri Facias* to be awarded, as well for my Lord Prince as for the Party.

XII.

Also be it affirmed and enacted, that no Person or Persons make any Sinder Tin after it is water'd, be it allay'd with other Tin or not; or make any hard Tin, without it be marked with the Letter H, upon pain of Forfeiture of the same Tin, the one half to my Lord Prince, and the other half to him that so findeth it.

XIII.

Also be it enacted, that the Owners of every Blowing-House shall enter their House Mark of his House, at the Law-Court, next after such a House is made, in the Steward's Books; and also every Man that Bloweth and Coineth white Tin, shall enter his Hot Mark in the Steward's Books before he Coin his Tin, upon pain of Forfeiture of the same Tin that is so coined.

XIV.

Also be it enacted, that no Tinner be retained with any Person or Persons, by Sign, Badge, Token, Livery, Promise, or otherwise, but such as be manual Servants, and other as the Law doth permit, but only with my Lord Prince, the Warden, or his Deputy, or with such as my Lord the Prince shall Assign, upon pain of Forfeiture to every Member so retained, 40 s. if it be found by Verdict of twelve Men, or otherwise by due Examination, or by sufficient Proofs had before the said Warden or his Deputy.

XV.

Also be it enacted, that if any Merchant, or other Person, buy any Tin, and afterward the said Tin be found not Merchantable, that then if he that Bought the said Tin come to the Court and bring the said Tin, or Part thereof, and the Owner's Mark, and the House Mark, not melted nor broken, that then the said Tin shall be melted openly in the Court; and if there be any Sinder Tin therein, and not Merchantable, that then the Owner of the said Tin, and he that Blew the said Tin, by the Oversight of the Warden, his Deputy, or Steward, shall Recompence the said Merchant for his Costs and Charges, and also to Forfeit the same Tin to my Lord Prince, and to make Fine with the Warden, or his Deputy, for the same; and if the said Tin be found good and Merchantable before the said Warden, or his Deputy, then the said Merchant shall fall in the Penalty of a hundred Shillings, half to my Lord Prince, and the other half to him that is so grieved; and a *Fieri Facias* to be awarded *ut Supra*.

XVI.

Also be it enacted and ordained, that whereas divers Owners be in one Work Partners, and if any of them will defraud his Partners, and so suffereth the said Works to be a lay, and by Covenant between a Stranger and him, suffereth the said Stranger to Pitch the said Work, or else is awarned of the said Pitch of the said Work, and doth not his Partners beware of the said Pitch, and so defraudeth his Partners, that then he that so defraudeth his Partner, shall lose his Part of the said Work to his Fellow; and he that so pitcheth, and he that so defraudeth, every of them shall fall in the Penalty of 20*l*. the one half to my Lord Prince, and the other half to them that were so defrauded, if it be found by Verdict of twelve Men at the Suit of the Party that was so defrauded, and a *Fieri Facias* to be awarded, as well for my Lord Prince as for the Party.

XVII.

Also be it enacted and ordained, that if any Spalliards that hath the keeping of any Man's Work, and suffereth the said Work to be a Lay, by Covenant between him and a Stranger, and causeth the said Stranger to Pitch the said Work, and so defraudeth him and his Partners who gave him the Work to keep, that then he that so Pitcheth shall lose his Pitch, and he that so defrauded, and he that so pitched, every of them shall lose 10*l*. the one half to my Lord Prince, and the other half to the Party, if it be found by Verdict of twelve Men at the Suit of the Party, and a *Fieri Facias* to be awarded as well for my Lord Prince as for the Party.

XVIII.

Vide the Form
of a Nichil in
the Stannary
Laws of Corn-
wall. Fo.

Also be it affirmed and enacted, that a *Nichil* shall be returned as it hath been used, and the Bailiff be examined in the Court, that the Defendant may not be attached, and that the said Defendant hath no Goods nor Chattels whereby he may be attached.

XIX.

Also be it enacted and ordained, that all Bargains and Sales hereafter to be made, by any Person, or Persons being within the Age of sixteen Years, to any Person or Persons, to be void and of none effect.

XX.

Also be it enacted and ordained, that if any Man or Woman die seized of any Tin Works, their Heir or Heirs being within the Age of sixteen Years, that then he or she that is next of Kin, to whom the Right of the said Work shall not descend, or such as his Father or Mother putteth in Trust, shall have the Rule of the said Tin Works, and to yield Account to the said Heir or Heirs, when he or they cometh to the Age of sixteen Years, and to have reasonable for his Cost and Charges.

XXI.

XXI.

Also be it enacted and ordained, that from henceforth all manner of Bargains and Sales made of all Tin Works, whereof any Man is seized of, as in the Right of his Wife, continue no longer but during the Coverture, and after the said Coverture determin'd, all such Bargains and Sales to be utterly void and of none effect, and that it shall be lawful to every such Wife, or their Heirs, to enter into the said Works so held by their said Husband, without Danger of the Penalty of any Statute, and without any Suit or Claim further therefore to be made.

XXII.

And be it also further enacted and ordained, that from henceforth no Pitch or Warning, made by any Person or Persons, being within the Age of sixteen Years, of any Tin Work or Works, be in any wise to them prejudicial, but utterly to be void and of none effect, except it be given in open Court to his Guardian, in behalf of the said Infant, and thereupon the said Guardian to make Defence lawful, without Covin, Fraud, or Colour, so that the Possession of the said Infant be not lost nor recovered in the Default of the said Guardian, upon pain of Forfeiture of 20 *l.* if it be found against the Guardian by Verdict of twelve Men, at the Suit of the Party, and thereupon all such Recoveries to be void and of none effect.

XXIII.

Also be it enacted and ordained, that if any Person or Persons being Tinner or Spalliar, refuse to pay, or hereafter shall refuse to pay any Part of such Sum or Sums of Money as is, or hereafter shall be assessed upon any of them by the Ordinance and Assent of four substantial Customers of every of the four Courts, chosen and appointed by the Warden, or his Deputy, for the assessing of the same, for the Confirmation of our Charter, and for such other Charges and Business as hath been done, or hereafter shall be done, for the Wealth of the Stannary, shall fall in the Penalty of 5 *l.* if it be found by Verdict of twelve Men at the Law-day, or otherwise by sufficient Proofs had before the Warden, or his Deputy, the one half to my Lord Prince, and the other half to them that shall be so assigned by the said Warden, or his Deputy, for the levying of the said Money so assessed, to the use of the whole Body of the Stannary, and a *Fieri Facias* to be awarded.

XXIV.

Also be it enacted and ordained, that no Person or Persons make any Wash but he warn his Partners that have born the Charge with him of the working of the Tin, and none other, upon Pain of Forfeiture of 10 *l.* the one half to my Lord Prince, and the other half to his Partners that have born the Charge with

with him, if it be found by verdict of 12 Men, at the Suit of the Party griev'd, and a *Fieri Facias* to be awarded, as well for my Lord Prince, as for the Party.

XXV.

Also be it enacted and ordained, that if any Person or Persons, being seized of any Tin-Work, or part of any Work now at this Court held at *Crockerentorre*, and so seized hereafter, peaceably continue two *Michaelmas* Washes, without claim made in open Court to the same, and entred in a Book that shall hereafter remain in the said Court of Record, where the said Tin-work lieth in, he or they that so have continued peaceably any such Work or Works, shall have the said Work, or part of the Work, to him, and to their Heirs in Fee, according to the Custom of the Stannary; provided always, that this Act extend not, nor be prejudicial to any Woman Covert, Infant within the Age of 16 Years, Men out of the Realm, and Men being in Prison, having no Space nor Liberty to make his Claim, nor to the Heirs of any Lunatick Man.

XXVI.

Also be it enacted, that if any Action of Trespas be brought by any Tinner, for any Trespas done in his Ground, and if the Defendant come into the Court, and say, that the Place whereas the Trespas is supposed to be done, is his Freehold, or else the Freehold of another Person, and prayeth to be dismissed, forasmuch as it is concerning Land; that then the Steward shall give him a Day at the next Court to bring his Writing, or the Writing of him whose he supposeth the said Freehold to be, or a credible Witness, that he, or the Persons in whom he supposeth the Freehold to be, were seized of the said Freehold at the time of the Trespas against him supposed, whereby the Freehold may appear in him or them, that then he to be dismissed by the Discretion of the Steward: And if not, he to make answer to the Trespas at his Peril.

XXVII.

Also be it enacted and ordained, as it hath been used in times past, that the manner of Gifts of Tin-Works to be good (that is to say) by Testament, Letter of Attorney, and Hand Livery.

XXVIII.

Also be it ordained, that whereas a Man hath diverse Tin-Works, and will depart from them by Hand Livery, or otherwise by Letter of Attorney, it requireth Livery to pass in every Work.

XXIX.

Also be it enacted and ordained, that if any Person or Persons, sell and deliver any white Tin, or if it be uncoined, whereby my Lord Prince shall loose his Coinage, he shall for-

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feit the said Tin to my Lord Prince, and make Fine for his untrue Demeanor.

XXX.

Also be it enacted and ordained, that if any Man coin any other Man's Tin in his own Name, the same Tin shall he forfeit to my Lord Prince, and he that so coined it, to make Fine for his untrue Demeaning.

XXXI.

Also be it enacted, that whereas divers Partners be in one Work, it shall be lawful for every of them to work in his Work his own Part, without any let or danger to his Fellows, and that his Fellows shall take no Tin at Wash, but forasmuch as they have wrought, or as they have laid Spail for, or agree with his Partners that hath born the Charge, and that washes be made in due time as they have been used in times past.

XXXII.

Also be it enacted and ordained, that if any Tinner be wronged, that then he may complain to the Steward at the Court, and if they will not do him justice, but be partial, then he to complain to the under Warden, and if he will do him no justice, then he to complain to the chief Warden, and if he do no justice, that then he complain to my Lord Prince's Council at his Liberty, and if any Tinner do, contrary to this Act, he shall fall in the Penalty of 20 l. half to my Lord Prince, and the other half to him that he complaineth upon, if it be found by verdict of 12 Men at a Law Day.

XXXIII.

Also be it enacted and ordained, that if any Sheriff, Escheator, Bailiff, Arrant, or any other Person, arrest, trouble, or vex any Tinner, going to his Work, being in his Work, or coming from his Work, as it is expressed in our Charter, except it be by the Commandment of the Warden, his Deputy, or Steward, that then he shall fall in the Penalty of 20 l. half to my Lord Prince, and the other half to him that was so aggrieved, and a *Fieri Facias* to be awarded, if it be found by verdict of 12 Men.

XXXIV.

Also be it enacted and ordained, that whereas in times past, all Tins have been accustomed free of all manner of Tollage, Toll, Stallage, Aid, and all manner of Customs, in Towns, Ports, Fairs, and Markets, of their own proper Goods, as it is expressed in our said Charter; and that if any Customer, Comptroller, Mayor, Bailiff, Water-bailiff, Steward of Franchises, or any other Person, take any Money of any Tinner, for any of the Articles above rehearsed, except it be the King's Custom; if it be found by Verdict of 12 Men at the Law-Day, he shall make Fine with the Warden or his Deputy, and

E e e

if

Nisi per summon' dict' Custod' nostri vide Char' Ed. I.

Vide Char' Ed. I. omnibus Stallagiis auxiliis Customis in villis portibus Fieriis, &c. Mercat' in Com' præd' quieti sint.

if it be found by Verdict of twelve Men, at the Suit of the Party, he shall lose 10 *l.* the one half to my Lord Prince, and the other half to him that was so grieved, and a *Fieri Facias* to be awarded, as well for my Lord Prince as for the Party.

XXXV.

Also be it enacted, that no Man being a Tinner, at the Suit of any Man, shall appear or pass in any Assizes, or *Nisi Prius*, against any Tinner or Tanners, for working or digging in any Man's Freehold, according to the Custom of the Stannary, upon pain of Forfeiture of 20 *l.* the one half to my Lord Prince, and the other half to the Profit, Use, and Behoof of the Stannary, if it be found by Verdict of twelve Men at the Law-day.

XXXVI.

Also be it enacted, that it shall be lawful from henceforth for every learned Man to plead in every of the four Tin Courts, so that they plead there in *English*, and he that doth the contrary, his Plea to be void, and no more to be admitted to Plead in any of the said Courts.

XXXVII.

Also be it ordained, that a *Fieri Facias* shall be awarded upon every Statute, where the Party is put to his Action.

Devon. **T**H E Great Court of our Sovereign Lord the King, in his Dutchy of *Cornwall*, holden at *Crockerentorre* in the County aforesaid, before *Philip Champernon*, Knt. in the Stead of *Henry Marquis of Exeter*, Warden of the Tinnars under our Sovereign Lord the King, in the aforesaid County of *Devonshire*, the 28th Day of *October*, in the 24th Year of the Reign of King *Henry the Eighth*.

The Names of the Jurates in the Stannary Court of
of *Chaggeforde*.

<i>John Southcot.</i>	<i>John Gray.</i>
<i>William Burgin.</i>	<i>John Roo of Beridon.</i>
<i>John Atysbill.</i>	<i>Thomas Elherde.</i>
<i>Richard Wanell.</i>	<i>John Major.</i>
<i>Philip Furse.</i>	<i>John Bowden of Docombe.</i>
<i>John Newcombe.</i>	<i>Thomas Hereys.</i>
<i>William Noseworthey.</i>	<i>John French.</i>
<i>John Shere of Bonyhill.</i>	<i>Henry Erofe.</i>
<i>Godfrey Loskey.</i>	<i>John Telden of Middlecote.</i>
<i>William Knapman.</i>	<i>William Benet.</i>
<i>William Hore.</i>	<i>William Cominge.</i>

Jurates of the Stannary Court of *Aysburton*.

<i>John Vele.</i>	<i>John Pethybrigge.</i>
<i>William Smith.</i>	<i>John Wydecombe.</i>
<i>Robert Hamlyn.</i>	<i>William Baron.</i>
<i>John Ferres.</i>	<i>William Elys.</i>
<i>William Myller.</i>	<i>Thomas Prydeux.</i>
<i>John Horsehame.</i>	<i>John Voyse.</i>
<i>John Langworthy of Boke-</i>	<i>Richard Tayler.</i>
<i>land.</i>	<i>John Foxford.</i>
<i>Thomas Philip.</i>	<i>John Maddock of Hushe.</i>
<i>Richard Caysh.</i>	<i>Thomas Jamlyn.</i>
<i>Richard King.</i>	<i>Elias Hert.</i>
<i>Walter Rowe.</i>	<i>William Snowden.</i>
<i>Nicholas Brende.</i>	

Jurates

Jurates of the Stannary Court of Plymton.

Richard Chalens.
 John Mason.
 Richard Wylling.
 John Foate.
 Thomas Berman.
 William Brende.
 Nicholas Leteltoc.
 Nicholas Thornnige.
 Beldewyne Hele.
 John Hutckyn.
 William Clarke.
 Henry Caunterell.

Richard Browne de Mewy.
 Nicholas Compe.
 Thomas Brownisden.
 Richard Abbot of Cadley.
 John Pomery of Mewy.
 John Baron of Heath.
 Richard Fosterd of Cornwood.
 William Chapel of Chapellegb.
 John Hed.
 Thomas Ford of Brixton.
 Thomas Ann.
 Richard Brownisden.

Jurates of the Stannary Court of Tavistock.

Thomas Cole, Armiger.
 Robert Crays.
 Henry Langesford.
 John Hert.
 John Brownisden.
 Nicholas Luggier.
 John Eston.
 John Burnesford.
 John Chubbe of Hill.
 John Atwyll.
 John Horwyll of Lidford.
 John Scotworthy.

Thomas Tonden.
 Henry Creyshe.
 John Cole.
 Philip Fote.
 John Stephen of Guathan.
 Walter Burgh.
 William Prior of Martavy.
 John Gee of Herrebrigge.
 Richard Drake.
 Walter Kugglilton.
 John Hoper of Whitchurch.
 Stephen Toker.

Which said Jurates as are aforesaid Elect, Sworn, and Tried, with the Assent and Consent of all the Tinnars of the aforesaid County of Devon, do Enact, Affirm, Ordain, and by these Presents Establish, that as well all Statutes now new made, as all other Statutes before this Time there made and affirmed, (other than such Statutes as now in this Court, and in other Courts heretofore holden there, are made, frustate, and void) do and shall henceforth wholly remain in full Strength and effect, as hereafter more plainly appeareth.

I.

First, Be it affirmed and enacted from henceforth, by Authority of this present Court, that all Tinnars keep their Tin Works as hereafter followeth (that is to say) yearly between the Feast of St. Peter Advincula, and the Feast of St. Michael the Archangel, now next following, to renew, or Cause their Head-weares, Side Bounds, Waterlets, and Tail of every Tin Work

Work that now is, or hereafter shall be; and if there be any Tin Work or Tin Works, that hereafter be not kept according to this Act, as is before rehearsed, it shall be lawful to every Man to Pitch them as Works a Lay, so that the Pitcher which shall Fortune to Pitch any such Tin Work, or Works, for Default of renewing of them, as is abovesaid, Pitch the said Tin Work or Tin Works before the Feast of *All-Saints*, next following after the Feast of *St. Michael*, and also give Warning to the Owner or Owners of the Pitch of the said Tin Work, or Tin Works, before the Feast of *All-Saints*, in the Presence of Four or Five Tinnors; and at the Time of the said Warning, the said Pitcher shall take the said Owner or Owners that he so Warneth of the said Pitch, of his said Tin Work or Tin Works, by the Arm, shewing to him with a loud Voice, that he may hear him, the Cause of his Pitch, and the Day when he pitched the said Tin Work or Tin Works; and also the said Pitcher at the next Tin Court, holden where such Tin Work lieth in, next after the said Warning given to the said Owner or Owners at the Beginning of the said Court, shall cause the Steward of the same Court, or his Deputy for the time being, to enter into his Book that shall remain in the Court at all times of Record, the Name of his Pitch, that is (to wit) his own Name, and all his Fellows Names, named to be pitchers of the said Tin Work, the Tin Works Name, the Owner or Owners Names that he so warn'd, and the Day and Place when he gave them such Warning; and thereupon, the said Steward or his Deputy for the time being in the same Court, and in the other Stannary Courts next following, wherein the said Tin Work lieth not, (when the Steward, or his Deputy, shall think most People to be present) shall make Proclamation of the said Pitch, and warning of the said old Owner or Owners of the said Tin Work, or Tin Works, or else the said Pitch to be void and of none effect, taking of the said Pitcher for his Labour, eight Pence, and then after the last Proclamation of the said four Courts, the said Owner or Owners of the said Tin-work or Tin-works, shall have Liberty by the Space of three Months, to prove his or their said Tin-work or Tin-works to be truly kept according to this Act, at the said Tin-works Head, that the said Owner or Owners, or one of their Partners, within the said three Months, set one lawful Day to the said Pitcher, when the said Owner, or Owners, or their Keeper, will prove his or their said Tin-work or Tin-works, and at that Day so appointed, by the said Owner or Owners, the said Pitcher shall give Attendance at the said Tin-work, from the Sun rising, till the going down of the Sun, to hear whether the said Owner or Owners, have kept according to this Act; and if the said Owner or Owners of the said Tin-work or Tin-works, nor their Keeper, do not prove his or their said Tin-work, kept according to this Act, within the said three

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Months, and at the Day, by him or them, to the Pitcher so appointed (if the said Pitcher be there ready to hear their Proof) as is abovesaid, that then the said Pitcher to have the said Tin-work to him and to his Heirs for ever, according to the Custom of the Stannary.

And it is further enacted and ordained, that if the said Pitcher at the said Day appointed by the said Owner or Owners, to prove the said Tin-work or Tin-works, do warn or let the said Owner or Owners, or their Keeper, to prove their said Tin-work or Tin-works, or absent himself, and will not hear their Proof, as is above specified, that then the said Owner or Owners, shall come to the next Tin-Court holden where their Tin-work pitched, lieth, and enter their surmise of the letting of their Proof against the said Pitcher, whereupon a *Scire Facias* shall be awarded against the said Pitcher to appear at the next Court; and at the next Court, or such Court when the *Scire Facias* shall be returned, sued by the Bailiff of the same Court, or by any other Person, by the Steward, authorised for the same, that if the said Pitcher, nor no Person for him, do not appear, that then the said Owner or Owners, or their Keeper at the Court, shall be admitted to prove their said Tin-work or Tin-works in the Court, and the said Pitcher shall lose his Pitch, and forfeit 20 l. with one half thereof to our Sovereign Lord the King, having no Prince, and when God shall send us a Prince, to the Lord Prince, and the other half to the said Owner or Owners, and Process for the levying thereof to be awarded, as it hath been used upon other Penalties, and if the said Pitcher do appear upon the suing of the said *Scire Facias*, then the said Pitcher shall have a Day over, to make answer to the said Owner or Owners to their Bill of Surmise, till the next Court, if he will pray the same, and at which Court, if the said Pitcher can nothing say, but that he pitch'd the said Tin-work of the said Owner or Owners, and gave them, or any of them, warning according, which Matter will appear of Record in the Steward's Book, as is afore specified, and whereupon the said Owner or Owners, set him a Day of Proof, as is afore specified; that then, if the said Owner or Owners, bring into the Court, or the next Court following, four or five Tinnners, proving sufficiently that the said Owner or Owners, or their Keeper, were at the Day by them assign'd to the said Pitcher, at the Tin-works Head, ready to prove their said Tin-work lawfully kept according to this Statute, and that the said Pitcher warned, him or them, or absent himself from the said Owner or Owners, or the Keeper, shall be admitted to prove their said Tin-work or Tin-works in the same Court, by the Steward or his Deputy for the time being without delay, and there to recover their Work, and the said Pitcher to fall in the Penalty

nalty of 20*l.* the half thereof to our Sovereign Lord the King, having no Prince, and when God shall send us a Prince, to the Lord Prince, and the other half to the said Owner or Owners, and Process for the levying thereof to be awarded, as it hath been used upon other Penalties.

III.

Provided that if the said Pitcher do lawfully prove by four or five Tinnors, before the Steward or his Deputy, at the said Court, that he shall have a Day over to imparoll, that at the Day of Proof appointed by the same Owner or Owners, that he gave Attendance at the head Wear of the said Tin-work that he pitched, supposing to be the head Weare of the same Tin-work that he pitched, and the said Owner or Owners, or their Keeper, come to another head Weare, which pertaineth to the same Tin-work, that the said Pitcher pitched, and gave warning of that, that then the said Owner or Owners, or their Keepers, shall prove their said Tin-work or Tin-works, in the Tin Court, or at the next Court there holden, and thereby the said Pitcher to lose no Penalty, but only his Pitch, and the said Owner or Owners, to recover but only the Tin-work or Tin-works-

IV.

Provided also, that after such Pitching and Warning given of any Tin-work, or Tin-works, by any Person or Persons, that if the said Pitcher be not known by the Party that warned of a Pitch, or else he avoid the Country, so that the said Owner or Owners, of the said Tin-work or Tin-Works, cannot come by him, to set him a Day of Proof of his said Tin-work or Tin-works by him so pitched, that then the said Owner or Owners, shall enter, or cause to be entered in the said Tin Court, within the said three Months next after the last Proclamation of the said Courts, that will prove their said Tin-work or Tin-works at a certain Day, by the Owner or Owners to be limited, within the said three Months, that they or their Keeper at their said Works Head, and thereupon at the same Court, and at the three other Stannary Courts, where the said Tin-works lieth not, then next following the Steward shall cause the Bailiff to make open Proclamation of the Day that the said Owner or Owners will prove their said Tin-work or Tin-works at their Tin-works Head, at which Day, if the said Pitcher come not at their said Tin-works Head, to have their Proof as is above said, he shall lose his Pitch, and the said Owner or Owners shall recover their said Tin-work or Tin-works, and the said Pitcher to fall in the Penalty of 10*l.* the one half thereof as is above specified, and the same Proclamations to be made, the said Owner or Owners shall give the Steward 8*d.*

V. And

And also be it affirmed and enacted, that the Act made at Crockerentorre aforesaid, the 24th Day of September in the second Year of the Reign of our Sovereign Lord King Henry the Eighth, of and for the keeping of all Tin-works within the Stannary, and every thing contained in the same Act be from henceforth utterly void and of none effect.

VI.

Also, that where, out of Time, it hath been used within all the Stannary of Devon, that every Person working within any Stream Works, should keep their Gravel, Ruble, and Sand, under the Sward of Grass, and by Force of the Water to convey it to the Great River, because it should hurt no Man's Pasture, nor quirt any Tin-work. And now is supposed by certain Inhabitants of the Haven Towns of Dartmouth and Plimouth, within the said County, that the said Ruble, Gravel, and Sands, descendeth by Reason of the great Floods, to the said Haven Towns, whereby in Continuance it should greatly hurt and quirt the said Havens, which God forbid.

VII.

Wherefore be it enacted and ordained by Authority of this present Court, that every Person or Persons that hereafter shall Work in any Stream Works, or cause any Stream Work to be Wrought, that they and every of them Convey and Carry, or cause to be conveyed and carried, the Gravel, Ruble, and Sands, into old Hatches, Tipittes, miry Places, or other convenient Places, from the said great Rivers, so that the said Gravel, Ruble, or Sands be not conveyed to the said Havens of Dartmouth and Plimouth, or any of them hereafter shall be decayed or hurted; upon pain of such Fine and Fines as hereafter shall be by the Lord Warden or his Deputy assessed, or set upon every Person or Persons, for every Default so offending contrary to the Provision of this Statute, to the Use of our Sovereign Lord the King. Or, if any such Default be found by Verdict of twelve Men at the Law-day, at any of the said four Stannary Courts.

VIII.

Provided always that no Person or Persons convey or bring their Gravel, Ruble, or Sands, into any Hatches, Ties, or Water-lets of any Tin-work, while the said Tin-work is in Working; and if any Person or Persons do, the Party grieved shall have like Remedy by Action, as it hath been heretofore ever used for the same Offences, this Act notwithstanding.

IX.

IX.

Also be it enacted and affirmed, that every Person or Persons that hereafter shall Work in any Hatch Works nigh the River of *Dort*, *Tamer*, or any other great River that descendeth to the said Havens of *Dartmouth* and *Plimouth*, or any of them, shall turn, or cause to be turned, their Lake Waters into their Hatches they have wrought, and thereon convey their Gravel, Ruble, and Sands, from the great River, so that it be conveyed to the said Havens, or any of them, whereby the said Havens, or any of them, hereafter shall be decayed or hurted, upon like Pain as is next afore specified.

X.

Also that where at the great Court holden at *Crockerentorre*, the 24th Day of *September*, in the second Year of the Reign of our Sovereign Lord King *Henry* the Eighth, it was enacted and ordained, That if any Person or Persons, being warned of the Pitch of any Tin-work or Tin-works, and did not prove their said Tin work or Tin-works, within three Months next following; and after that, if the said Owner or Owners, did Sue, Vex, or Trouble the said Pitcher after the said three Months, or enter into the said Tin-work, should fall in the Penalty of 20 *l.* if it were found by Verdict of twelve Men; at the Suit of the Party, by Force of which Statute many and divers subtle Persons have craftily pitched divers Tin-works, and have given crafty Warnings of their Pitch to the Owners of the said Tin-works, which Warning the said Owners have not perceived nor heard, and some Time the said Owner or Owners have continued daily Working in the said Tin-works at the Time of the said Warning, and so till after the said three Months expired; and sometimes the said Pitchers after they have given such Warning of the Pitch of their said Tin-work to the said Owner or Owners, have absented themselves, so that the said Owner or Owners, could not meet with them, to set a Day to prove their said Tin-works within the said three Months, according to another Statute thereof made and provided; so that after the said three Months were expired, the said Owner or Owners, had no means to Sue the said Pitcher for their lawful Remedy, but they should fall in the Penalty above specified, whereby the said Owners have lost many of their Tin Works, and also forfeited the said Penalties in the same Statutes above specified, to their utter undoing.

XI.

Wherefore be it enacted and ordained by Virtue of this Great Court, that the said Act made in the second Year of our Sovereign Lord the King, and every thing in the same Act contained, be from henceforth utterly void and of none effect.

XII.

Also be it affirmed and enacted, that from henceforth no Bailiffs of the Stannary shall take of any Person that hereafter shall be arrested upon any *Nichil*, or for the Security of the Peace, above Six pence, and that the Keeper of *Lidforde*, nor his Deputy, shall take of any Person or Persons that hereafter shall be arrested upon a *Nichil*, or for Surety of the Peace, any Fees, unless the Parties so arrested be brought to the Prison of *Lidforde*, and that the Keeper shall take of every such Prisoner for his Fees 2 s. 6 d. and for his Meat and Drink according to the old Custom heretofore used, upon pain of 20 s. for every Time that the said Keeper or Bailiff, doth contrary to this Statute, if it be found at a Law-day in any of the said four Stannary Courts, the one half to our Sovereign Lord the King, and the other half to the Party grieved.

XIII.

Also be it affirm'd and enacted, that no Bailiff nor Bailiffs, bring any Person nor Persons to the Prison of *Lidforde*, that hereafter shall be arrested by a *Nichil*, except it be upon an Execution of a Condemnation, if the Person or Persons that so shall be arrested, find or bring to the said Bailiff or Bailiffs, good and sufficient Sureties to answer the Party Plaintiff, at the next Court after the said Arrest, upon pain of 20 s. for every Time so offending, the one half thereof to our Sovereign Lord the King, and the other half to the Party grieved, if it be found by Verdict of twelve Men at a Law-day, in any of the four Stannary Courts.

XIV.

Also be it affirmed and enacted, that the Steward, or his Deputy, for the Time being, shall take for the Crowning of any Person, not above two Shillings, and the Bailiff for his Return of the Jury for the same not above 6 d. upon pain of every such Default 20 s. the one half to our Sovereign Lord the King, and the other half to the Party grieved, &c.

XV.

Also be it affirmed and enacted, that no Person or Persons from henceforth be admitted to any *Essoine*, upon an Issue to be tried after twelve Men have appeared, and that it shall be lawful to the Party, Plaintiff, or Plaintiffs, upon every Issue, to be tried after the Jury returned, one Time to be *essoyn'd*, according to our old Custom, and in likewise the Defendant or Defendants, so the *Essoyne* be laid before twelve Men have appeared, &c.

XVI.

XVI.

Also be it affirmed and enacted, that every Tinner or Tanners within the said Stannary, shall make, or cause to be made, before the said Feast of *St. Michael* the Archangel next coming, their Head-wears and Tails, like a Head hooked Arrow, in all dry Tin-works, and half Hooks in all Tin-works adjoining to any River, upon pain of reasonable Fine to be assessed by the Lord Warden, or his Deputy, if it be found by Verdict of twelve Men at the Law-day, in any of the said four Stannary Courts.

Devon. **T**H E Great Court of our Sovereign Lord the King, in his Dutchy of *Cornwall*, holden at *Crockerentorre* in the County aforesaid, before *Philip Champernon*, Knt. in the Stead of *Henry Marquis of Exeter*, Warden of the Tinnars, under our Sovereign Lord the King, in the aforesaid County of *Devonshire*, the 25th Day of *September*, in the 25th Year of the Reign of King *Henry the Eighth*.

The Names of the Jurates in the Stannary Court of *Chaggeforde*.

<i>John Batishyll.</i>	<i>John French.</i>
<i>William Noseworthy.</i>	<i>John Langworthy of Hattishill</i>
<i>John Newcombe.</i>	<i>John Rowe of Berydon.</i>
<i>William Hore.</i>	<i>Thomas Caselegh.</i>
<i>Godfrey Loskey.</i>	<i>John Coyshe.</i>
<i>William Rugg.</i>	<i>Richard Abraham.</i>
<i>John Shire.</i>	<i>John Windiate of Grendon.</i>
<i>John Endecot.</i>	<i>Alexander Drayton.</i>
<i>Thomas Ilbert.</i>	<i>James Benet.</i>
<i>John Frey of Manaton.</i>	<i>Simon Taverner.</i>
<i>John Parre of Heanocke.</i>	<i>Richard Crote.</i>
<i>William Voyse.</i>	<i>John Glanfylde.</i>

Jurates of the Stannary Court of *Aysburton*.

<i>Thomas Prideaux.</i>	<i>John Langworthy of Buk-</i>
<i>William Coward.</i>	<i>land.</i>
<i>John Bery, Sen.</i>	<i>Willam Smith.</i>
<i>John Veale.</i>	<i>John Widecombe of Buk-</i>
<i>John Voyse.</i>	<i>land.</i>
<i>Robert Hamlym.</i>	<i>William Bonicombe.</i>
<i>Richard Taylor.</i>	<i>John Stiddeston.</i>
<i>John Maddok of Blakeal.</i>	<i>Thomas Woodde.</i>
<i>Thomas Hamlym.</i>	<i>Thomas Phillip.</i>
<i>John Dolheare.</i>	<i>Richard Quoyshe.</i>
<i>Richard Langworthy of</i>	<i>William Leer.</i>
<i>Lesewell.</i>	<i>John Dybell.</i>
<i>John Horsham.</i>	<i>Henry Paty.</i>
	<i>Robert Hanworthie.</i>

Jurates of the Stannary Court of Plympton.

*Richard Chalons.
Nicholas Thorney.
John Mason.
Thomas Ford.
John Luscombe.
Walter Stondon.
John Fote.
Richard Abbot.
William Chapell.
Walter Elford.
John Browne,
John Med of Shitfor.*

*John Hedde.
Edmond Lange.
John Meyowe.
Andrew Walker.
William Towfen.
John Stert.
Henry Canterell.
William Martin.
Thomas Brounsden.
John Bacer.
Roger Bond.
William Bende.*

Jurates of the Stannary Court of Tavistock.

*Roger Langisford.
John Cole of Peterstavy.
Richard Darke.
John Atwill.
John Statworthy.
Henry Crees.
Walter Borrowe.
John Redeclyffe.
John Williams.
John Brownsden.
John Watts.
John Gie of Horeburg.*

*Ralph Eston.
Roger Page.
Roger Gyll.
John Batocke.
Walter Langisford.
Walter Knighton.
Martin Edward.
John Hoper.
John Gadnig, Sen.
Walter Gladfilde.
William Prior.
Thomas Stondon.*

Which said Jurates, as are afore said, Chosen, Sworn, and Tried, with the Assent and Consent of all the Tinnars of the afore said County of Devon, do Enact, Affirm, Ordain, and by these Presents Establish, that as well all Statutes now new made, as all other Statutes before this Time there made and affirmed, (other than such Statutes as now in this Court, and in other Courts heretofore holden there, are made frustate, and void) do and shall henceforth wholly remain in full Strength and effect, as hereafter more plainly appeareth.

Whereas before this Time, divers and many Tinnars in the said County of Devonshire, have given away all their Tinworks, some of them to their Children, and some of them to other Persons of their Kin and Friends; and some of them have suffered Recoveries to be had against them, to the intent that they would be from henceforth reputed and taken as no Tinnars, by mean whereof, they have by that Covin and Craft, dischar-

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ged themselves, as well of their Appearance in the Stannary Courts, as also of all other Contributions and Charges, which, by reason of the said Tin-works, they ought to Support and bear, with other Tinnerns, according to the old Custom of the said Stannaries; and yet that notwithstanding the said Givers, and other Persons against whom such Recoveries were had of the said Tin-works, have all Times after such Gifts and Recoveries had and made, taken thereof the Issues and Profits to their own Use.

I.

Wherefore be it affirmed and enacted from henceforth, by Authority of this present Court, that as well all such Person or Persons that before this, or now, be seized, or that hereafter shall be seized of, and in any Tin-work, or Part of any Tin-work, be it of Estate in Fee-Simple, Fee-Tail, or for Term of Life or Lives, that have made, or hereafter shall make any Gift or Lease, of all his, or their, whole Tin-work or Tin-works, to any of their said Children, or to any other Person or Persons, to his or their Use, or have, or hereafter shall, suffer any such Recoveries to their Use, or to the Use of their said Givers, hereafter do (of the said Tin-work or Tin-works, or of any Part of them) take any Issues and Profits, or any other annual Rent and Profit, by any such Colour, to his own Use, from henceforth he, or they are to be reputed and taken for Tinnerns, as if no such Gift, Recovery, or Lease had been made, and to bear their Contributions and Charges amongst other Tinnerns of the said Stannary, according to the old Custom of the same. And if any Surmise, or Complaint, be made to the Lord Warden of the said Stannary for the Time being, or to his Deputy or Steward of the same Stannary, or Knowledge he had or ministered to the Officers of any such Person or Persons, that so doth take the Issues and Profits of any such Tin-work or Tin-works, or Part thereof, or thereof hath the Use, and denieth him to be taken and reputed as a Tinner, that then the said Lord Warden, his Deputy, or Steward of the said Stannary Courts, shall have Authority to award a Precept of *Scire Facias* against the Party upon whom any such Surmise, Complaint, or other Knowledge shall be had or made, commanding him by the same, to appear at the next Tin Court (wherein the Party then shall dwell) before the Lord Warden, his Deputy, or Steward, then to be holden; at which Day if he do appear in the one Tin Court, the Truth thereof to be tried by the other, or other, of the said Person or Persons, that shall be called in by the said *Scire Facias*, whether he, or they, so called, do take the Issues and Profits of the same Tin-work or Tin-works, or any other Person or Persons, to his or their Use, or of any Part of them, or else that any other Person or Persons do thereof stand and be seized to his or their Use; and if the said Party, after he is returned warned, do make Default, that then his or their Default, in the same Court to be,
recorded

recorded, and after that, the said Party or Parties shall be still accepted and taken for a Tinner or Tinnerns, till any such Person or Persons, will, of their own free Will, come into the said Court and Discharge themselves by his or their Oaths, in Form aforesaid; and if any Person from henceforth, after any such Oath made, do again accept and take any Issues and Profits of such Tin-work or Tin-works, then upon due Information, Proof, or Knowledge had or made to the said Officers in Form aforesaid, in any Court of the Stannaries, within the Jurisdiction whereof any such Tin-works lie or shall be, that they or any of them doth, or so shall, take any Issues and Profits, that like Process be eftsoone made against the said Parties, and like Order and Oath to be had in Form aforesaid.

II.

Provided always, that if it happen any such Tinner or Tinnerns, which hath or will give away his or their said Tin-work or Tin-works, and saith or deposeth, that he or they taketh no Profit to his or their own Use, nor that any other Person or Persons, stand seized to his or their Use, and he will be reputed and taken as no Tinner or Tinnerns, as is before mentioned, that then it shall be lawful to all other Tinnerns to Sue and be at Liberty, against any such Person or Persons, that so denieth to be a Tinner or Tinnerns, in Form aforesaid, in any other Place out of the four Stannary Courts, unto such Time that all such Person or Persons which so denieth to be Tinner or Tinnerns in Form aforesaid, happen to be a Tinner again, and also enter his or their Name or Names into the Steward's Roll, or Book of Record in the same Stannary Court, whereas any such Person then shall happen to dwell, and at the same Tin Court to Cause the Steward or his Deputy, for the Time being, to proclaim him or them, as a Tinner or Tinnerns again, any such Custom or Statute made, used, or provided to the contrary in any wise notwithstanding.

III.

Also be it affirmed and enacted, that no Person or Persons, from henceforth, take away any Tin gathered in any Tin-work, wheresoever it be found, from the Owner or Owners, or other Occupiers of the said Tin-work or Tin-works, which have born, or hereafter shall bear, the Cost and Charge of the gathering and working of the same, but the said Person or Persons, so claiming the said Tin or Tin-works, may lawfully Cause the said Owner or Owners, Occupier or Occupiers, to be attached by the said Tin so gathered, wheresoever it be found, upon a Plaint by the said Claim, to be affirmed against the said Person or Persons, that so hath gathered the said Tin, in the same Stannary Court wherein the said Tin-work or Tin-works, and the same Tin so to be gathered, lieth or shall lie; and thereupon the said Owner or Owners, or other Occupier or Occupiers, of the same Tin-work or Tin-works,

works, that he so attached by their said Tin, shall find sufficient Sureties to the Bailiff, or his Deputy, by whom the said Attachment shall be so made, or by his Deputy, or any other, by the Steward of the same Court, being limited whereas the said Tin is gathered, according to the Law and Custom of the said Stannary, to answer the said Claimer at the next Tin Court holden next after the said Attachment so had and made, within the which Court, whereas the said Tin-work or Tin-works, so in variance, lieth or shall lie, and after the said Surety found, the said Tinner so attached to be delivered to the said Person or Persons so attached. And if any Person or Persons from henceforth, with Force, or otherwise, take away any Tin so gathered, and hath born no Charges for the Working thereof, as is above rehearsed, that then the said Person or Persons so taking away the said Tin, after due Proof of the Party or Parties so offending, before the said Lord Warden, his Deputy, or Steward; he or they so offending, shall be committed to the Prison of *Lidforde*, and there to remain till he make Fine with the Lord Warden, his Deputy, or Steward; and if the said taking away of any such Tin be found as is before expressed, by Verdict of twelve Men, at any Law Court there holden after, at the Suit or Complaint of the Party grieved, then he that so taketh away any such Tin, shall fall in the Penalty of 40 *l.* the one half thereof to our Sovereign Lord the King, or Prince, when it shall please God to send us a Prince, and the other to the Party so grieved; and for Execution thereof, a Precept of a *Fieri Facias* to be awarded, as well for our Sovereign Lord the King, or Prince, as for the Party Complainant and grieved.

IV.

Provided always, that if there be from henceforth, any Action commenced against any Person or Persons, by vertue of this present Act and Statute, that then the Defendant or Defendants, to have one Court Day, to imparol, to make his or their Answer, and if the said Defendant and Defendants, will pitch to have, and there at the next Court after, to make him or them, answer at his or their Peril without delay.

V.

Also be it affirm'd and enacted, that if any Person or Persons, be taken by his Body, at the Suit of any Party, upon any Plaint or Plaints commenced in any of the said four Stannary Courts, and the said Party, at whose Suit he or they, which shall be so taken and imprison'd at *Lydforde*, be afterwards Nonsuit in his or their said Action or Actions, that then the said Party or Parties, so being nonsuit in his, or their, said Action or Actions, shall yield and pay such Costs and Damages to the said Person, or Persons, so taken and imprison'd, as shall be adjudged and deemed by the Lord Warden, his Deputy,

puty, or Steward for the time being, and a *Fieri Facias* to be awarded for the levying of the same, to the use of the Party so to be imprisoned, upon a Precept of Return made by the Bailiff at the Day of Return of the same, that the Party so being nonsuit, had no Goods nor Chattels whereof he might or shall make Execution by the said *Fieri Facias*, that then a Precept of *Capias*, to be awarded by the Court, to attach the Body of the said Person so being nonsuit, and the Day of Return where if the same Party by the said *Capias*, be brought into the Court, or otherwise in proper Person do appear, then he to pay the said Costs and Damages, or else to be committed to the Prison of *Lydforde*, there to remain till he or they have paid it.

VI.

Also be it affirmed and enacted, that if any Person or Persons, from henceforth take away any black Tin, or Tin-Stones, out of any Tin-work, or any other Place, by Night or by Day, without he or they, which taketh away any such Tin, or Tin Stones, do the Owner or Owners, or his or their Partners, or his or their Workmen (which have born the Charges of the Working of the same, being Owners of the same Tin-work) to Knowledge thereof, which have born the Costs and Charges of the Working of the same Tin with him or them, or their Spalliards of the same Tin-work, which hereafter shall Work and gather the same Tin; that then he or they, so offending, if it may be duly proved before the Lord Warden, his Deputy, or Steward for the Time being, by Examination in open Court, or by Way of Action tried and condemned, or by Presentment and Verdict of twelve Men at the Law Court of the Stannary wherein the said Tin-work lieth, that then the said Offender or Offenders, by the said Lord Warden, his Deputy, or Steward, to be committed to the Prison of *Lidforde*, unless he or they so offending, can find sufficient Sureties to Pay, or Recompence, the Party or Parties grieved, for his or their Tin so taken away; and also to make Fine with the Lord Warden, his Deputy, or Steward, for his or their untrue Demeanor and Offence; whereof the one half shall be to our Sovereign Lord the King or Prince, and the other half to the Use of the whole Body of the Stannary, being Tinnars.

*Part of this
Act is repeal'd.
Vid. 16 Eliz.
Art. 27.*

VII.

Also be it affirmed and enacted from henceforth, that if any Person or Persons, do make any unlawful Labour to any Inquest Sworn in any of the four Stannary Courts, or do Menace or Threaten them, or any of them, to pass with the one Party or the other, or promise them any Money, or other Reward, to give their Verdict, that then the said Person or Persons so making the said unlawful Labour, or menacing or threatening the said Inquest, or promising them any Money or

*Vid. Trials
per Pais. Fol.
434. Tit.
Embraceor.*

Reward unlawfully, for giving of their said Verdict of twelve Men at the Law-day, by the great Inquest, or by the Verdict of twelve Men, at the Suit of the Party grieved, that then the said Imbracers or Offenders, so offending, shall be committed to the Prison of *Lidforde*, there to remain until such Time that he, or they, so offending, contrary to the Provision of this Statute, have made a Fine for the same with the Lord Warden, or his Deputy, or Steward for the Time being; and besides that, if it be found by Verdict of twelve Men, at the Suit of the Party grieved, by Action of the same Imbracery, and unlawful Labour, and that Process of a *Capias* for his Body, or a *Fieri Facias* for his Goods to be awarded, at the Election of the Party that shall be so grieved, as well for Satisfaction of the King or Prince, as for the Satisfaction of the same Party grieved.

VIII.

Provided always that all such Persons as be, or hereafter shall be Parties to any Action, sued by them, or any of them, or against them, or any of them, in any of the said Stannary Courts, whereupon the said Parties be, or shall be, at Issue; and all such other Persons as then have any Interest, Right or Title to the thing in Demand or Variance, or their lawful Solicitors, may well and lawful Labour the said Inquests to appear, and to give their Verdict according to such Evidence as shall be given unto them, according to their Conscience, and not otherwise.

IX.

Also be it affirmed and enacted, that whereas divers Persons being Owners and Partners, which be now seized, or hereafter shall be seized, jointly together, of and in any Tin-work or Tin-works, and if the whole Title of the same Tin-work or Tin-works be, or shall be, in Variance, and if any of the said Owners and Partners, from henceforth do refuse to support and bear such Manner of Charges and Expences in the Law, with his or their Partners of the same Tin-work so in Variance, according to their Portion and Parts as they, and every of them have, or hereafter shall have, in the same Tin-work or Tin-works, of, for, and about the Suit and Trial of the Title of the same Tin-work or Tin-works, so being in Variance, or hereafter shall be in Variance, if he, or they, be required thereto by his Partner or Partners of the same Tin-work, that then he or they, that so will refuse to bear, and pay his, or their Part or Parts, according to his, or their Portion, or Portions, of the same Tin-work, indifferently charged not to receive or take any Profit of his or their Part or Parts of the same Work so being in Variance, until such Time he or they, have paid his or their said Costs and Charges, for the Harm to him or their said Fellow now being, or hereafter shall be Owner or Owners, Partner or Partners, with him or them, of the same Tin-work

or

or Tin-works, which is or shall be in Variance, according to the old Custom of the Stannary.

X.

Also be it affirmed and enacted, that if any Person or Persons being now peaceably seized of, and in any Tin-work, or Part of any Tin-work, in the County of *Devonshire*, at this present Great Court holden at *Crockerentorre*, and so continued to *Michaelmas* Coinage, peaceably seized without Claim or Title made in open Court, by any Person or Persons to the same, and entered in a Book or Roll, that shall hereafter be appointed, and remain in the said Court of Record, within the Jurisdiction of which Court the said Tin is, or lieth, he or they that so have continued peaceably their Possession in any such Tin-work or Tin-works, shall have the said Tin-work, or Part of the said Tin-works, to them and to their Heirs in Fee for ever, according to the Custom of the Stannary.

XI.

Provided always, that this Act extend not, nor be prejudicial to any Woman Covert, Infant within the Age of sixteen Years, any Person being out of the Realm, or being in Prison, or being Lunatick, or out of his Mind; so that any of the said Persons (that is to say) that Women Covert after the Decease of their Husbands, within the Space of two Years, and their Heirs, and the said Persons so imprisoned within the Space of two Years after they be at their Liberty of their said Imprisonment; and the said Persons being out of this Realm, and having no Knowledge of this Act within like Space of two Years, or lacking Knowledge thereof, within the Space of one Year, after his or their coming into *England*, or any of the Heirs of the said Person or Persons, after Title to him, or them given, by the Death of his or their Ancestors, within one Year then next following, if any of the said Persons before excepted, die within the said two Years, do make their Claim by Action in any of the said Stannary Courts whereas any of the said Tin-works lie.

XII.

Also forasmuch by Occasion of Evidence given by corrupt and untrue Witnesses, to Inquests Sworn within the four Stannary Courts, between Party and Parties, untrue Verdicts have been given, to the great hurt and prejudice of many Tinnars. Wherefore be it enacted and affirmed, that from henceforth, if any Person or Persons, give any false Evidence, and commit Perjury in his Evidence given, in any of the said Stannary Courts, to any Inquest or Inquests, Sworn between Party and Party; and if he or they that shall give any such false Evidence, and commit Perjury, be found Culpable and Guilty by Verdict of twelve Men at a Law Court in the same Stannary Court, whereas the same false Evidence and Perjury shall be committed,

Vide Stat. 5.
Eliz. cap. 9.
shall forfeit
40 l. and im-
prisonment for
six Months.

The Stannary
Courts are
therein named.
Vid. 3 Inst.
Fol. 163.

committed, that then he, or they, that so shall offend, shall be committed to the Prison of *Lidford*, there to remain until such Time that he or they can find sufficient Sureties to make Fine with the Lord Warden, his Deputy, or Steward for the Time, to the Use of our Sovereign Lord the King, having no Prince, and when it shall please God to send us a Prince, to the Lord Prince.

XIII.

Also be it affirmed and enacted, that all Statutes and Acts made at this present Great Court before this Time, and annulled, to stand in their full Strength and Force, and that a *Fieri Facias* shall be awarded as well upon every of the said Statutes now standing in their Force, as also upon all such Statutes and Acts, as now be made at this present Great Court or Parliament, holden and kept at *Crockerentorpe* afore said.

DEvon' Magna Curia Domini Regis Ducatus sui Cornubiæ
tent' apud Crockerentorre in Com' Devon' prædicto co-
ram Joh' Charles Armigero, locum Tenente Joh'is, Comitis Bed-
ford, Custod' Stannar' dicti Domini Regis in præd' Comitatu
Devon' vicesimo sexto die Martii, Anno Regni Edwardi sexti,
Dei Gratia Angliæ Franciæ & Hiberniæ Regis, Fidei Defensoris,
ac in terra Ecclesiæ Anglican' & Hiberniæ supremi Capitis
Sexto.

The Names of the Jurates in the Stannary Court of
Chaggeforde,

<i>George Burgin.</i>	<i>Nicholas Cleyff.</i>
<i>Richard Waverell.</i>	<i>Richard Loskey.</i>
<i>William Knapman, Sen.</i>	<i>Andrew Smardon.</i>
<i>John Newcombe.</i>	<i>John Perriman.</i>
<i>John Pincent.</i>	<i>William Trend.</i>
<i>William Knapman, Jun.</i>	<i>John Smith.</i>
<i>Harry Wyll.</i>	<i>John Westcote.</i>
<i>Robert Foxford.¹</i>	<i>William Ayshe.</i>
<i>Augustus Noseworthy.</i>	<i>John Balle.</i>
<i>John Waverell, al's Voisei.</i>	<i>John Coyshe.</i>
<i>John Estbroke, al's Shylston.</i>	<i>Galfridus Christopher.</i>
<i>John Martin.</i>	<i>Pancaratus Shere.</i>

Jurates in the Stannary Court of *Aysburton.*

<i>William Burgin.</i>	<i>Richard Langworthy.</i>
<i>Christopher Warren.</i>	<i>Thomas Beckforde.</i>
<i>Thomas Hamlin.</i>	<i>James Maddicke.</i>
<i>Richard Tayler.</i>	<i>Edward Hanworthy.</i>
<i>John Foxford.</i>	<i>Walter Stephen.</i>
<i>John Stydson.</i>	<i>Peter King.</i>
<i>John Horseham.</i>	<i>Thomas Peers.</i>
<i>John Widecombe.</i>	<i>Richard Hamlyn.</i>
<i>John Debyll.</i>	<i>William Wotton, al's Bile.</i>
<i>John Seyger.</i>	<i>Quirinus Rowge.</i>
<i>Lawrence Withcombe.</i>	<i>William Tollande.</i>
<i>William Hole.</i>	<i>Richard Maye.</i>

Jurates in the Stannary Court of Plymton.

*Philip Hawton.
Walter Elford.
John Luscombe.
John Advent.
Thomas Forde.
Walter Rowe.
John Worth.
Philip Forde.
William Hengston.
Mighell Edgcombe.
Hugh Crocker.
William Stoddestin.*

*Francis Chappel.
John Rosedew.
Richard Brokin, Jun.
Richard Holborton.
John Windeal.
John Foster.
Richard Abbot.
John Baker de Terre.
Henry Hanger.
John Elforde.
Richard Brokin, Sen.
Richard Winston.*

Jurates in the Stannary Court of Tavistock.

*Henry Langsford.
John Furlong of Tamerton.
John Badge.
Robert Ebbisworthy.
John Peterfeilde.
Thomas Alwill.
Roger Gyll.
Henry Willey.
Richard Langsford de Brat-
ton.
William Gey.
John Broverdson de Surton.
John Fotte, Jun.*

*William Burges.
John Tucker.
Randal Eston.
John Talbot de Walkhampton.
John Hanworthy.
John Horewell de Lidforde.
John Sleman.
John Rowe de Cholemill.
John Watts de Beare.
John Richard.
Nicholas Luggier, Jun.
John Fott, Sen. de Bucland.*

Qui quidem Jurati sit ut prefatur electi jurati & Trini ex assensu & consensu omnium Stannatorum in prædicto Comitatu Devon' Enactant' affirmant Ordinant Statuunt & per presentes Stabiliunt quod tam omnia Statua nunc de novo facta, quam omnia alia Statua ante hæc tempora ibidem facta & affirmata præter illa Statua que nunc in ista curia & in aliis curiis ibidem ante a Tentis adhihilantur & evacuantur omnino imposterum permaneant in vigoribus suis & effectis ut plenus inferius patebit.

I.

Whereas much hard and evil Tin hath been heretofore fundry Times made and coined within the Stannary of *Devon*, without the Letter *H* set upon the same, notwithstanding the Statute thereof provided, not only to the great Slander of the Stannary, but also to the great loss and hindrance of Merchants and other Persons that have bought and occupied the same, which is mani-

manifestly known to rise and grow by crafty, and subtle blowing of Sinder Tin with Pyte and Culm, without the which kind of Blowing of Sinder Tin, no hard, or evil Tin, can be made, nor the Owners thereof might have of such Sinder, but little or no Fruit of Advantage.

II.

For Redress and Reformation whereof, be it affirmed, enacted, and ordained at this present Court, that all Tin hereafter blown, or to be blown, upon the Flote, after the customable Course and Manner of blowing of black Tin, being not mixed with hard Tin, be always reputed and taken to all Intendments, for good and pure Tin. And that all Tin hereafter blown, or to be blown with a Pyte, or a short Float, after the customable Course and Manner of blowing of Sinder Tin, whether it be mixed with other Tin or not, be always reputed and taken to all Intendments, for hard Tin, and that the Letter *H* be set upon the same before it be coined, upon Pain of Forfeiture of the same to the Lord Prince, and in default of a Prince, to our Sovereign Lord the King, if it be found by verdict of 12 Men at a Law Day. And further, if it happen hereafter any such hard Tin to be coined before the Letter *H* be set upon the same, and so put to Sale, or worse Metal to be cover'd and hid within the same hard Tin, other than the kind or nature of the same, shall cast and bear in himself, or worse Metal, than good Tin, to be cover'd and hid by Falsehood and Deceit within any other Piece of Tin having not the Letter *H*, and so coined and put to Sale, then if upon Complaint of the Buyer thereof, if it be found by verdict of 12 Men at a Law Day, and prov'd by the View and Melting of the same Tin, or Part thereof, in open Court, being brought before the great Inquest then and there sworn for the King, with all the Marks of the same upon one Piece, not melted nor broken, within the Jurisdiction of which Court the same Tin was made, that then the first Owner or Owners of the same Tin, shall not only forfeit the Value of the same Tin to the Lord Prince for the Time being, and for lack of a Prince, then to our Sovereign Lord the King, but also shall forfeit for every such false Piece of Tin, 10 *l.* the one half thereof to the Lord Prince, and the other half, to such Person or Persons, being the Buyer or Buyers, of the same, as shall complain and make Suit at a Law Day for the same, be it by Bill, Information, or otherwise, and a *Fieri Facias* to be awarded for the same, as upon other Penal Statutes. And also the Blower or Blowers of the same Tin, to be set openly on the Pillory on a Market Day, or a Law Day, by the Space of six Hours, for his or their untrue Demeanor, in attempting any thing contrary to this Act; and if the said Blower or Blowers, do after that again likewise offend contrary to this Act, that then the said Blower or Blowers, to incur such Punishment as shall seem to the Lord Warden, or his Deputy, most meet or convenient, and upon Complaint made by the Merchant

Now call'd
Smelting Houses.

chant or Buyer, of any Piece of Tin, to be hard Tin, and the same afterwards in open Court, and in the Presence of the great Inquest, melted and proved good, then the said Merchant, or Buyer, shall forfeit for every such Piece found good, 10 l. the one Moiety thereof, to the Lord Prince (and for lack of a Prince, to the King's Majesty) and the other Moiety to him that doth sue for it, and process thereof to be made as aforesaid.

III.

Also be it affirmed and enacted, that if any Merchant, or other Person hereafter, buy any Tin, and after that the said Tin be found to be falsely made, contrary to the said Act, and that notwithstanding the Merchant or Buyer, and the first Owner of the same by privy Contracts, Payments, or otherwise between them, conceal the untrue making thereof, whereby condign Punishment cannot be done and ministered to such Offenders, according to the said Statute, if it be found by verdict of 12 Men at a Law Day, that then they both shall fall every of them, in the Penalty of 10 l. for every Piece of Tin so concealed, the one half thereof to our Sovereign Lord the King (and to the Lord Prince when God shall send us a Prince) and the other half to him that will complain, or sue for the same, by Bill, Information, or otherwise.

IV.

Also be it affirmed and enacted, that the Act made at *Crockerentorre*, the 24th Day of *September*, in the Second Year of the famous King *Henry VIII.* of, for, and concerning Sinder Tin and hard Tin, and also that the Act made at *Crockerentorre* aforesaid, the same 24th of *September*, the Year above written, of, for, and concerning Tin not Merchantable, every of the said two Acts, and all thing and things in every of them contained, be from henceforth utterly void, and of no Force or Strength.

V.

Also be it affirmed and enacted, that no Person or Persons, shall sell, or put to Sale, any Manner of white Tin made, or cast into Slabbs, Blocks, or Shocks, before it be coined, upon Pain of Forfeiture of the said Tin, in Manner and Form aforesaid, any Act heretofore made to the contrary notwithstanding, and both the Seller and Buyer to forfeit every of them 40 s. for every Slabb, Block and Shock so bought and sold, if it be found by verdict of 12 Men at a Law Day, the one half thereof to the Lord Prince, when God shall send us a Prince, and for lack of a Prince, then to our Sovereign Lord the King, in Manner and Form as is aforesaid; and the other half to the Party that will sue or make complaint for the same, by Bill, Information or otherwise.

Item,

Item. Whereas it hath been heretofore of late Days used in every of the four Stannary Courts, after Issue joined in any Action or Suit between Party and Party, that the Plaintiff shall nominate twelve of the Jurors to whom he list, and the Defendant other twelve, to try that Issue, whereby poor Men be not only oppressed by Rich, but all the Officers cannot do Justice according to Right and Equity, by reason of the said evil Usage.

VI.

Wherefore be it affirmed and enacted, that from henceforth, upon every *Venire Facias* awarded, after Issue joined in any of the said Stannary Courts, that the Bailiff of the Court for the Time being, or the Foster of the Quarter, if the Bailiff be challenged by his Oath, then, and there, in open Court taken, shall immediately return and nominate to the Steward, twenty four honest and indifferent Tinnars according to the Tenour and Effect of his Writ or Precept, taking of the Plaintiff for every Return for his Fee so made, 3 s. 4 d. and no more ; which twenty four Persons so returned, the Bailiff of the Court, or Foster, that so make the Return, shall Summon and Warn to appear at the next Tin Court there to be holden, at which Court, if any of the Jurors do make Default being warned, then he to forfeit to our Sovereign Lord the King, and to the Lord Prince, when God shall send us a Prince. 12 d. Issues. And at the same Court, if a full Jury do not appear, or else after Appearance of a full Jury, by Challenge of any of the Parties, the Jury is like to remain untaken for Default of Jurors, that then the Lord Warden, his Deputy, or Steward of the Court for the Time being, upon Request made by the Party Plaintiff, or by the Defendant, in the Default of the Plaintiff, shall have Authority, by Virtue of this Act, to command the Bailiff or the Foster, as aforesaid, of the Stannary Court for the Time being, by his Oath then and there to be taken, to Return, Name, and Appoint, as often as need shall require, so many of such other able indifferent Tinnars then being present in the said Stannary Court, as shall make up a full Jury, which Persons so to be named and impannelled by such Bailiff or Foster, shall be added to the former Pannel, and their Names annexed to the same ; and the Lord Warden, his Deputy, or Steward of the Court for the Time being, shall and may proceed to the Trial of every such Issue, with those Persons that were before impannelled, and with these newly added to the said former Pannel, by Vertue of this Act, in such wise as they might, or ought to have done, if all the Jurors had been impannelled upon the *Venire Facias* awarded to try the said Issue ; and that every such Trial had, after the making of this Act, shall be as good and effectual to all Intents, Constructions, and Purposes, as if such Trial had been had and tried by twelve of the Jurors, impannelled and returned upon the *Venire Facias* award-

ed to try such Issue ; and in Case such Persons as the said Bailiff or Foster, shall name or appoint, as is aforesaid, or any of them, after they shall be called, be present, and do not appear, or after his or their Appearance, do wilfully withdraw him or themselves from the Presence of the Court, that then the Lord Warden, his Deputy, or Steward, for the Time being, shall and may set 3 s. 4 d. Fine upon every such Juror making Default, or wilfully withdrawing himself as is aforesaid, the said Fine to be levied in such Manner and Form by the Bailiff of the Stannary Court, as other Amerciaments of the said Court have been heretofore levied, and so the Issue shall be tried at the same Court without further delay, and every of the twelve Men that be Sworn shall have 12 d. a piece of the Parties, for, and towards his Journey for that Days Labour, the same Money to be levied and parted openly in the Face of the Court to the Jurors, immediately when they have given their Verdict, or before the Verdict, if the Matter or Action, shall be otherwise ended, or else for Default of Payment of the said Money, to be committed to *Lidforde*, there to remain until he hath paid the Jurors their said Money ; and if the Bailiff of the said Court, or Foster, as aforesaid, do not give Warning to the twenty four that hath first returned, and to every of them, then he to pay his or their Issues, that so make Default, being not warned. And that by Vertue of this Act it shall be lawful both for Plaintiff and Defendant to take their Challenge to the Array, and to the Polls, as well of them that be first returned, as of them that be so named, added, and annexed to the former Pannel by the said Bailiff or Foster ; and that from henceforth, after Issue joined, the Plaintiff nor the Defendant shall cast no Essoyne, any Act heretofore made, or Custom in the Stannary used to the contrary, notwithstanding.

VII.

Provided alway, and be it affirmed and enacted, that if it happen the Bailiff and the Array to be challenged by any of the Parties, and thereupon the Array be quashed, that then the Bailiff to repay unto the Plaintiff the Sum of 3 s. 4 d. which he before received for the making of the Return of the said Jury, as is aforesaid ; and that at the same Court there be a *Venire Facias* directed to the Foster of the same Quarter, to make Return for the said Matter as aforesaid, at the next Court then following, and then to proceed therein as before.

VIII.

Also be it affirmed and enacted, that if any Person or Persons at any Time hereafter, make any unlawful Labour to any Bailiff of the Stannary Court, or Foster, for or concerning any Return by him to be made and impannelled between Party and Party, or give, or promise him, or any other Person

son or Persons, to his Use and Behoof, any manner of Gift, Reward, or Portion of Money for the same, or to be left out of any Return hereafter to be made in the Stannary Court, or give or promise any manner of Gift, Reward, or portion of any Money to any Man that by the Bailiff or Foster, shall be returned in any Jury, whether it be before the making of the said Return, or after, for to have Friendship or Favour in his or their Matter, other than such Portion of Money as to them is limited for their Labour at this present Court; or if any Person or Persons at any Time hereafter commit any wilfull Perjury, or procure any wilful Perjury to be committed in any of the four Stannary Courts, that then he that so laboureth, the said Bailiff, or Foster, or Juror, that so taketh any such Gift, Reward, Promise, or Portion of Money, and he that so committeth, or procureth wilful Perjury, as is afore-said, every of them so offending, if it be found by Verdict of twelve Men at a Law Court, shall be committed to the Prison of *Lidforde*, there to remain till such Time as he or they can find sufficient Sureties to make Fine with the Lord Warden, his Deputy, or Steward, to the Use of our Sovereign Lord the King, having no Prince, and to the Lord Prince, when God shall send us a Prince; and besides that, if it be found by Verdict of twelve Men at the Suit of the Party grieved, that then every of them so offending, shall fall in the Penalty of 20 *l.* the one half thereof to our Sovereign Lord the King, or Prince, when God shall send us a Prince, and the other, to the Party grieved, and a *Fieri Facias* for his or their Goods, or a *Capias* for his or their Bodies to be awarded, as well for Satisfaction of our said Sovereign Lord the King, or Prince, as for the Party grieved.

Vid. Trials
per Pais. Cha.
15. Tit.
Embroc.

IX.

Also be it affirmed and enacted, that where sundry Tin-works, and sundry Parts of Tin-works within the Stannary of *Devon*, hereafter to be named or contained upon one Letter of Attorney, if Livery pass in one of the said Tin-works, or Part of the same Tin-works, it shall from henceforth enure, and be a good, sure, and sufficient Livery for all the Residue named, or to be named, or contained in the same Letter of Attorney, in as large and ample Manner as though Livery had passed in every one of the said Tin-works, or in every Part so named, or to be named, or contained, by every Owner of the said Part or Parts at the Time of the said Livery, any Act heretofore made to the contrary notwithstanding. And that where any Person is or shall be seized of divers and sundry Tin-works, or Parts of Tin-works, and will depart from them all by Letter of Attorney, if Rehearsal be made upon the Letter of Attorney, of the Name of one or certain of his said Works, and the rest by general Words of all his Tin-works, or Parts of Tin-works in the County of *Devonshire*, it shall

Co.^l Lit.
Sect. 418.

shall be as good, sure, and effectual in the Law, to all Intents, Constructions, and Purposes, as though special Recital of every Tin-work, or Part of every such Tin-work, had been made upon the same; and that likewise Livery made of and in any Part or Parcel of the same, to be as good, sufficient, and effectual in the Law, for the whole, as though Livery had passed severally in every Part and Parcel thereof, as is abovesaid. And that all Gifts and Bequests of sundry Tin-work or Tin-works, be it by general Words as is abovesaid, or otherwise by Testament hereafter made, or to be made, to any Person or Persons, although the Executor or Executors of the same Testament refuse to prove the same, be always good, sure, sufficient, and available in the Law, according to the said Testament, any Statute, Law, or Custom heretofore had, or made to the contrary, notwithstanding.

X.

Also be it affirmed and enacted, that no Demurrer in the Law, upon any Cause, Action, or Demand, from henceforth be allowed or admitted in any of the four Stannary Courts in the County of *Devon*.

No Demurrer is meant for want of Form, but for Matter it may. Vid. Jurisdiction of Courts in the Stannaries of *Cornwal.* Fol. 142.

XI.

Also be it affirmed and enacted, that no Person or Persons from henceforth, commence any Action in any of the four Stannary Courts, except it be for the entring into any Tin-work or Tin-works, but only within such Court, within the Jurisdiction of which Court, the Party Plaintiff, or Plaintiffs, and Defendant or Defendants, or one of them, shall Inhabit and Dwell at the Time of the Commencement of the same Action, upon pain to forfeit and pay to the Party Defendant or Defendants 10 s. of lawful Money of *England*, for every such Action commenced, or to be commenced, if the Party Defendant or Defendants, at his or their Appearance, will Demand and Sue for the same, and Execution to be awarded for the same, according to the Laws and Customs of the Stannary, and the Plaintiffs to lose his or their said Action or Actions, any Law or Custom heretofore used to the contrary, notwithstanding.

XII.

Also where before this Time divers feigned Actions have been prosecuted in the Stannary Courts, whereunto the Defendants have been forced to appear, and join the same to a Country, and the said Actions so joined to a Country, the Plaintiffs have suffered the same to be and depend in the Courts, not continued of a long Space, until such Time as the

the said Plaintiff hath watched his Advantage, or the Absence of the said Defendant, and then proceed in the same, in the Default of the said Defendant not being warned thereof, contrary to all Right, Equity, and good Conscience.

XIII.

Wherefore be it affirmed and enacted, that if any Person or Persons from henceforth shall commence any manner of Action in any of the four Stannary Courts, whereunto the Defendant appeareth, and doth join unto a Country, if the said Plaintiff suffer the said Matter so pleaded to a Country, to remain, and do not proceed and set forth his Suit within four Courts next following, that then his said Action utterly to be void and discontinued, as though it had never been pleaded.

Et de hoc ponit se super Patriam, by the Defendant, or, *Et de hoc petit quod inquiratur per Patriam* by the Plaintiff, then it is said they have put themselves upon the Country, which Formality of Words are required, without which, no Issue is said to be joined, and this is what may be said doth join unto a Country. Vide Trials per Pais. Fo. 361.

XIV.

Also be it affirmed and enacted, that in all Actions commenced in any of the four Stannary Courts, whereupon the Damages is not declared above the Sum of five Pounds, except it be in an Action of Trespas for entring into any Tin-work or Tin-works, and the Party Defendant will put the same to the Trial of the Country, then there shall be at the next Court then following, four honest indifferent Tinnors returned, appointed, and taken up in the Face of the Court, by the Bailiff for the Time being, by an Oath openly in the said Court to him to be administered, to try the said Issue, and there to be charged upon an Oath by the Steward, for the Trial of the same Matter, and to give Verdict therein, and assess Damages and Costs according to the Order of the Laws of the Stannaries; whereupon all principal Challenges are to be allowed, and others to be returned as afore, in their Stead, by the Bailiff, and if he be challenged, then by the Steward for the Time being, and the Steward to have for his Precept to the Bailiff 4 *d.* and the Bailiff for his Return 4 *d.*

I conceive the Article above is not warranted by Law, touching the Return of four Tinnors to try the Issue above mentioned, and Allegation that is done, *secundum Consuetudinem* cannot help it, for no Custom can help that which is against Common Law. Cro. 2. Part 357.

Judgment out of an inferior Court was reversed, because Damages was assessed but by two, and Custom alledged to War-rant it. Vent. 113.

M m m

And

Cro. 1. Part
259.
Trials per
Pais. Ch. 6.
Fo. 83.

And it was resolved, that there cannot be less than twelve, though the Writ of Enquiry saith only, *per Sacramentum proborum & legalium hominum*, &c. And such Customs are against Law, unless in *Wales*, which are permitted by Parliament, and was so held upon a Judgment in *Cornwal*, because the Trial was but by six adjudged, that it was Erroneous, though returned, *secundum Consuetudinem in ibidem ante*, &c. for such Customs are against Law.

All Issues joined between Party and Party, in any Court of Record, must be Tried by twelve free and lawful Men of the Visne, that be not of Affinity to none of the Parties.

Et Vide Char. Ed. I. arrestentur & in prisona nostra de Loftwithiel.

Do. & Stat.
ch. 7. Fo. 11.

Et non alibi Custodiantur & detinentur quosq; secundum legem.

Et Consuetudinem Regni Nostri deliberentur.

Also forasmuch as many Pitchers of fundry Tin-works have been heretofore entered into the Court Rolls, or Books of Record, notwithstanding that many of them have been some Time lawfully proved by their old Owners, or the Keepers, according to the Statute thereof provided, yet always the same Pitchers remain in the said Books as Matter of Record, and no Record of Writing to the contrary, which in Process of Time may be a very great Occasion of much Controversy and Strife.

XV.

Be it therefore affirmed and enacted, that if there be any Tin-work or Tin-works, hereafter Pitcht by any Person or Persons, as a Work Alay, and the Owner or Owners, or Keeper of every such Tin-work so Pitcht, do prove the same Work kept according to the Statute thereof made and provided, or that the Pitcher of any Work pitched, do Release his Pitch, that then the said Owner or Owners, or their Keepers, or one of them, shall cause the Steward for the Time being, within six Months next after the Day of the entring of the said Pitch, to enter the said Proof or Release into his Book, directly next under the Place of Entry of the said Pitch of the said Work so proved or released, whereby it may there likewise appear and remain as Matter of Record, so that it be approved sufficiently before the Steward in open Court, by two or three Witnesses Sworn for the same, or by Confession of the Pitcher, or else the said Proof and Release to be void, and the said Pitch to be good and available, and the Steward in the Day of entring thereof, to proclaim the Proof or Release, in open

open Court, and to have for his Labour in that behalf 4 *d.* and no more; and that it shall be lawful for every such principal Pitcher to Release every such Pitch to the old Owner or Owners, within three Months after the Day of the last Proclamation of the said Pitch, and not after, and at any Place, as well by Word as by Writing.

XVI.

Also be it affirmed and enacted, that if any Person or Persons hereafter shall be attached by his Goods or Chatles, by Vertue of any Attachment directed out of any of the four Stannary Courts, and thereupon do find Sureties, and do not appear at the next Court after Sureties so found, that then it shall be lawful to the Bailiff of the same Court where such Attachment shall be made, to return the same Person or Persons so attached, to a *Nichil*, any Act or Custom heretofore used in the Stannary to the contrary notwithstanding. Forasmuch as it is most requisite, that the Fees of all manner of Process, and the pleading of Actions within the Stannary Courts, ought to be apparent to all Suiters there, whereof they have before been in great Ambiguity and Doubt, some paying more and some less.

Vide the Form and Manner of a *Nichil. Fo.*

XVII.

Wherefore be it affirmed and enacted by the Authority of this present Court, that the Steward, or his Deputy for the Time being, shall have from henceforth, for, &c.

A TABLE of FEES.

	s.	d.
F OR every Attachment sued 6 <i>d.</i> and not above	0	06
For every Capias for the Body 6 <i>d.</i> and not above	0	06
For every Scire Facias to call in Proofs or Witnesses,	0	06
wherein is but one Name, 6 <i>d.</i> and not above —		
For every Warrant of the Peace, Supersedeas, and	0	06
Recognizance of the Peace, every of them 6 <i>d.</i> —		
And if there be any more Names in a Scire Facias for	0	06
calling of Proofs, or Warrant of the Peace, Super-		
sedeas, or Recognizance, then the Suer thereof to		
pay for every Name 6 <i>d.</i> — — —		
For every Deliverance but 6 <i>d.</i> — — —	0	06
For every Scire Facias upon the Statute of letting of	2	00
Proof, that is to say 6 <i>d.</i> for the said Scire Facias,		
how many Names soever they be, and 1 <i>s.</i> 6 <i>d.</i> for		
the Bill of the same Statute to be made of the same		
Steward — — — — —		

For

	s. d.
For every Scire Facias upon all other Penal Statutes	
1 s. 6d. (viz.) 6d. for every Scire Facias, how many	1 6
Names soever there be	
For the Bill of the same Statute	1 00
For every Execution	0 06
And for all other Process but	0 06
For the Declaration of any Manner of Action into	
the Court	0 04
In proper Person, and by Attorney, the Party not be-	
ing present	0 05
For taking of a Day to implead, being in proper Person	0 02
If more Defendants in the said Action being Absent,	
to pay Attorney a Penny for every of the Defen-	0 01
dants being absent	
For the Answer of any Defendant or Defendants, be-	
ing jointly pleaded, and in proper Person	0 04
By Attorney, the Party not present	0 05
For the Replication and the Rejoinder laid in the	
Court in proper Person, or by Attorney, every of	0 04
them	
For entring of every Condemnation and Judgment,	
every of them	0 04
For every Deposition written	0 04
For every Interrogatory ministred in Court in writing	0 04
For entring of every Surmise upon the Statute of	
letting of Proofs	0 06
For the Law-Gage of every Defendant	0 06
For the Essoyne of every Plaint not pleaded	0 01
For the Continuance of every Plaint not pleaded	0 01
For the Continuance of every Action pleaded	0 02
For every Recognizance entring	0 08
For the Copy of the Bill of Surmise	1 06
For the Copy of every Bill upon any other Statute	1 00
For the Copy of Declaration of Trespass upon the Case	0 08
For the Copies of all other Pleas	0 04

And not above for any of the Matters before mention'd.

The Charter, or first Grant, confirm'd from the Year of King Henry the VIIIth.

ELizabeth Dei Gratia Angliæ Franciæ & Hiberniæ Regina, Fidei Defensor, &c. Omnibus ad quos presentes litere pervenerint salutem inspeximus literas Patentes bone Memorie Domine Mariæ, nuper Reginæ, Angliæ Sororis nostræ precharissime, de confirmatione fact' in hæc verba.

Maria Dei Gratia Angliæ Franciæ & Hiberniæ Regina, Fidei Defensor, &c. Omnibus ad quos præsentès litere pervenerint salutem inspeximus literas Domini Edwardi, nuper Regis Angliæ sexti Fratris nostri fact' in hæc verba.

Edwardus Sextus Dei Gratia Angliæ Franciæ & Hiberniæ Rex, Fidei Defensor, &c. in Terra Ecclesiæ Anglicanæ & Hiberniæ supremum Caput, omnibus ad quos presentes litere pervenerint salutem inspeximus literas Patentes Domini Edwardi nuper Regis Angliæ primi Progenitor' nostri factas in hæc verba.

Edwardus Dei Gratia Rex Angliæ Dominus Hiberniæ & Dux Aquitaniæ, ad Archiepiscopos, Episcopos, Abbatis, Prioribus, Comitibus, Baronibus, Justiciariis, Vicecomitibus, Prepositis Ministris, & omnibus Ballivis & Fidelibus suis salutem. Sciatis nos ad emendationem Stannariarum nostrarum in Com' Devon' & ad tranquillitatem & utilitatem Stannatorum nostrorum earundem, Concessisse pro nobis & hæredibus nostris, quod omnes Stannatores præd' operantes in Stannariis sint liberi & quieti de placitis Nativorum & de omnibus placitis & querelæ curiam nostram & hæredum nostrorum qualitercunque tangentibus; ita quod non respondeant coram aliquibus Justiciariis vel Ministris nostris seu hæredum nostrorum de aliquo Placito seu querela infra præd' Stannarias emergent' nisi coram Custode nostro Stannariarum nostrarum præd' qui pro tempore fuit exceptis pl'itis Terræ & Vitæ & Membrorum nec recedant ab operationibus suis per summonitionem alicujus Ministrorum nostrorum, seu hæredum nostrorum nisi per summonitionem dicti Custodis nostri, & quod quieti sint de omnibus Tallagiis Theoloniis, Stallagiis, auxiliis Custumis quibuscunque in villis portubus feriis & Mercatis in Comit' præd' de bonis suis propriis Concessimus etiam eisdem Stannatoribus quod fodere possint Stannum & turbas ad Stannum fundendum ubique in terris moris & vastis nostris, & aliorum quorumcunque in Comitatu prædicto & aquas & cursus aquarum ad operationes Stannariarum præd' divertere ubi & quoties opus fuerit, & emere bascam ad funduram Stanni, sicut antiquitus fieri Consuevit, sine impedimento nostri vel hæredum nostrorum Episcoporum, Abbatum, Priorum, Comitum, Baronum, seu aliorum quorumcunque, & quod Custos noster

*Pleas of Land,
Life, and
Limb, excepted.*

prædictus vel ejus locum tenens teneat omnia pl'ita inter Stannatores præd' emergentia & etiam inter ipsos & alios forinsecos de omnibus transgressionibus querellis & contractibus factis in locis in quibus operantur infra Stannarias præd' similiter emergentia : Et quod idem Custos habeat plenam potestatem ad Stannatores præd' & alios forinsecos in hujusmodi pl'itis Justiciandi, & partibus justitiam faciendi prout justum & hactenus in Stannariis illis fuerit usitatum : Et si qui Stannatorum præd' in aliquo deliquerint per quod incarcerari debeant per Custodem præd' arrestentur & in Prisons nostra de *Lydford*, & non alibi Custodiantur & detineantur quousque ; secundum legem & consuetudinem Regni nostri deliberentur ; & si aliqui Stannatorum præd' super aliquo facto infra Comit' præd' non tangen' Stannarias præd' se posuerint in inquisitione patriæ ; una Medietas Juratorum inquisitionis hujusmodi sit de Stannatoribus præd' & alia Medietas de forinsecis & de facto totaliter tangente Stannarias præd' fiant inquisitiones sicut hactenus fieri consueverunt ; Et si quis eorundem Stannatorum fugitivus fuerit vel utlegatus vel aliquod delictum fecerit pro quo Catalla sua amittere debeat, Catalla illa per Custodem præd' & Coronatorem nostrum Comitatus præd' apprecientur & per ipsos proximis villatis liberentur ad Respondendum inde nobis & hæredibus nostris ; coram Justiciari' itinerantibus in Com' præd' volumus in super & firmiter præcipimus quod totum Stannum, tam album quam nigrum, ubicumque inventum & operatum fuerit in Comitatu præd' ponderetur apud *Tavistock*, *Asperton*, vel *Chaggesforde*, per pondera nostra ad hoc ordinata & lignata sub forisfactur' totius Stanni præd' & quod totum illud Stannum Coignetur in eisdem villis singulis Annis coram Custode præd' ante Diem Sancti Michaelis in Septemb' sub forisfactur' præd' & concessimus pro nobis & hæredibus nostris quod omnes Stannatores nostri præd' totum Stannum suum sic ponderatum licite vendere possint cuicumque voluerint in villis præd' faciendo inde nobis & hæredibus nostris Coignagium & alias consuetudines debitas & usitatas nisi nos vel hæredes nostri Stannum illud emere voluerimus ; quare volumus & firmiter præcipimus pro nobis & hæredibus nostris quod Stannatores nostri præd' habeant omnes libertates liberas consuetudines & quietantias supradictas, & quod eis sine occasione vel impedimento nostri vel hæredum nostrorum, Justiciariorum, Escaetorum, Vicecomitum, aut aliorum Ballivorum seu ministrorum nostrorum quorumcunque rationabiliter guadeant & utantur forma præd' his testibus venerabilibus patribus W. Coventr' & Litchfeld' S. Sarum & J. Kerlien, Episcopis, Henrico de Laci Comite Lincoln', Radulpho de Monte Hermerii Comite Gloucest' & Hertf' Humfredo de Bohun Comite de Hereforde & Essex, Adomaro de Valentia Hugone le de Spenser Joh'e de Hastings & aliis Dat' per Manum nostram apud Westmonasterium decimo die April Anno Regni Nostri 33tio.

Nos autem literas prædictas ac omnia & singula in eisdem contenta rata habentes & grata, ea pro nobis & hæredibus nostris quan-

quantum in nobis est acceptamus & approbamus ac dilectis nobis Stannatoribus Stannar' præd' tenore presentium ratificamus & Confirmamus prout litere præd' rationabiliter testantur, in cuius rei testimonium has literas nostras fieri fecimus Patentes Teste me ipso apud Westm' vicesimo tertio die Junii Anno Regni nostri Primo.

Nos autem literas præd' ac omnia & singula in eisdem contenta rata habentes & grata ea pro nobis & hæredibus nostris, quantum in nobis est acceptamus & approbamus ac dilectis nobis nunc Stannatoribus Stannar' præd' tenore presentium ratificamus & confirmamus prout litere præd' in se rationabiliter testantur in cuius rei testimonium has literas nostras fieri fecimus Patentes teste me ipso apud Westmonaster' zomo die April' Anno Regni nostri primo.

Nos autem literas præd' ac omnia & singula in eisdem contenta rata habentes & grata & ea pro nobis & hæredibus nostris quantum in nobis est acceptamus & approbamus ac dilectis nobis nunc Stannatoribus Stannar' præd' tenore presentium ratificamus & Confirmamus prout litere præd' rationabiliter in se testantur in cuius rei testimonium has literas nostras fieri fecimus Patentes Teste me ipso apud Westm' Decimo die Febr' Anno Regni nostri Primo

W. Lewis.

Taxatur ad iij l.

N. Bacon.

Examinatur per nos,

*Ricardum Rede, & Clericos.
Anthoniam Huse.*

A

A true Copy of the Charter, or Grant, made by King Edward the First, in English.

EDWARD by the Grace of God, King of England, Lord of Ireland, and Duke of Aquitaine, to all Archbishops, Bishops, Abbots, Priors, Earls, Barons, Justices, Sheriffs, Provosts, Ministers, and to all Bailiffs, and other his faithful Subjects, Greeting. Know ye, that We, for the Amendment of our Stannaries in the County of Devonshire, and for the Quiet and Profit of our Tinnars aforesaid, have granted for Us and our Heirs, that all Tinnars aforesaid, working in those Stannaries, which are our Demeans, so long as they Work in the same Stannaries, be free and quit from all Pleas of Villany, and from all Pleas and Complaints of our Court, and of our Heirs, in what Manner soever touching, so that they shall not Answer before any our Justices, or Ministers, or of our Heirs, for any Plea or Complaint growing within our Stannaries aforesaid for the time being, (Pleas of Land, Life, and Limb excepted) nor that they depart from their Works by Summons of any of the Officers of us or of our Heirs, but by the Summons of our said Warden, and that they be quit from all Tollages, Tolls, Stallages, Aids, and other Customs whatsoever, for their own proper Goods in the Towns, Ports, Fairs, and Markets within the County aforesaid. We have granted also to the same Tinnars, that they may Dig Tin, and Turf for melting Tin, every where in our Lands, Moores, and Wastes, and of all other Persons whatsoever in the County aforesaid, and the Waters and Water Courses for the Works of the Stannaries aforesaid, to turn where, and as often, as need shall require, and to buy Bushment for melting of Tin, as of old Time hath been accustomed to be done, without lett of us, or our Heirs, Bishops, Abbots, Priors, Earls, Barons, or other Persons whatsoever, and that our Warden aforesaid, or his Lieutenant, hold all Pleas growing between the Tinnars aforesaid, and also between them and other Foreigners of all Trespasses, Complaints, and Contracts (made in Places in which they Work, within the Stannaries aforesaid) likewise arising; and that the same Warden have full Power to justify the Tinnars aforesaid, and other Foreigners, in such Pleas, and to do Justice to the Parties as right requireth, and as heretofore in those Stannaries hath been accustomed; and if any of the said Tinnars in any thing shall offend, whereby they ought to be imprisoned, that they be arrested by the Warden, and in our Prison of *Lidforde*, and not elsewhere, be kept and detained, until they be delivered according to the Law and Custom of our Realm; and if any of the Tinnars aforesaid, upon any Fact within the Court aforesaid, not touching the aforesaid Stannaries, shall put himself upon the Enquiry of the Country, one half of

*May dig Turf
for melting
Tin, in the
Prince's Lands.
Vide The
Judge's Opinions.
Fol. 162.*

of the Jurors of such Inquest, shall be of the Tinnars aforesaid, and the other half of Foreigners, and of Fact altogether, touching the Stannaries aforesaid, the Inquests to be made as heretofore they have been accustomed. And if any of the said Tinnars be Fugitive or Outlawed, or commit any Offence for which he ought to lose his Chattels, that the same Chattels aforesaid, be appraised by the Warden aforesaid, and our Coroner of the said County, and by them to the next Villages be delivered, to Answer to us and our Heirs, before the Justices Itinerant in the County aforesaid. Furthermore we Will, and straightly Command, that all Tin, as well white as black, wheresoever it shall be found and wrought in the County aforesaid, be weighed at *Tavistock*, *Asperton*, and *Chaggesforde*, by our Weights thereto ordained, and made, under the Forfeiture of all the Tin aforesaid; and that all that Tin be coined in the same Towns yearly before our said Warden, before the Day of *St. Michael* in *September*, under the Forfeiture aforesaid. We have granted also for us and our Heirs, that all our Tinnars aforesaid, all their Tin so weighed, lawfully may Sell to whom they will in the Towns aforesaid, doing thereof to us and our Heirs the Coinage and other the Customs due and used, except we, or our Heirs, will buy the said Tin ourselves: Wherefore we will, and for us and our Heirs straightly Command, that our Tinnars aforesaid have all Liberties, free Customs, and Covenant above written, and that the same without Lett or Impeachment of us or our Heirs, Justices, Escheators, Sheriffs, or other our Bailiffs or Ministers whatsoever, they reasonable enjoy and use in Form aforesaid, these being Witness, the Worshipful Fathers, *W. Bishop of Coventry and Litchfield*, *S. Bishop of Sarum*, and *J. Bishop of Carlisle*, *Henry Lacy Earl of Lincoln*, *Raulfe of Mount Hermer Earl of Gloucester and Hertford*, *Humphrey of Bohun Earl of Hereford and Essex*, *Adomar of Valence*, *Hugh le de Spencer*, *John Hastings*, and others. Given by our Hand at *Westminster*, the 10th Day of *April*, in the 33d Year of our Reign.

Confirmation of the Charter by Parliament.

The Declaration, Limitation, and Exposition of the Charter of the 33^d Edward I. that was made in Parliament Anno 50th of Edward III. but never printed before; translated into English.

TO our most excellent Lord the King, this Petition in behalf of the Comonalty of the County of Devon, that he would be pleased, by the Advice of his Clergy, Earls, Barons, and other wise Men in this present Parliament, to order, that some Remedy may be put to the many Extortions, Oppressions, and Grievances, that are from Day to Day put in Practice, and hath for a long time been so practised by the Tinnars and the Officers of the Stannaries, as well as by the Lords and others, to the prejudice of the said Comonalty, under Colour of the Franchises to them granted by the Charters from our Lord the King, and from his Predecessors, contrary to the Law and the Intention of the said Charters, and by their evil Interpretation of the said Charters, and that the said Charters, and all the Franchises in them comprehended, may be read and declared Article by Article, so that the Comonalty of the said County, may fully and directly understand the Contents thereof, and that the said Declaration may be recorded; and if there should be any Article in the said Charters, that relate to the Customs and Uses, that our said Lord the King would be pleased in a short time, to order and command sufficient Judges, Gentlemen, and others, learned in the Law in such behalf, to enquire into the said Customs and Uses, and that they may have Power to hear and determine, concerning all the Conspiracies, Confederacies, Alliances, Plots, Extortions, Oppressions, Grievances, Falsities, and Maintenances, which they the said Tinnars, and their Officers have committed against the said Comonalty, where any of them may complain if they please; to which End also, the King being a Party concerned, it being to be understood that our Lord the King will be a great Gainer, and on the other Part, if no Remedy be put to it at this present, they will in a short time daily go on grinding, disinheriting, and destroying them, which God forbid. The Tenor of any of the Articles in the said Charters that there is occasion for an Explanation of, be it understood as follows, *Imprimis*, viz.

Sciatis nos ad emendationem Stannariar' in Com' Devon' ad tranquillitatem & utilitatem Stannatorum nostrorum præd' earundem concessisse pro nobis & hæredibus nostris, quod omnes Stannator' præd' operantes in Stannar' illis quæ sunt Dominica nostra dum operantur in eisdem Stannar' liberi sint & quieti de pl'itis Nativorum, & de omnibus pl'itis & querelis Curiam nostram & hære-

& hæredum nostrorum qualitercunq; tangentibus ita quod non respondeant coram aliquibus Justiciariis vel Ministris nostris seu hæredum nostror' de aliquo placito seu querela infram præd' Stannarias emergentibus nisi coram Custode nostra Stannariar' nostrar' præd' qui pro Tempore fuerit (exceptis placitis Terræ Vitæ & Membrorum) nec non recedant ab operationibus suis per summonitionem alicujus Ministrorum nostror' seu hæredum nostror' nisi per summonitionem dicti Custodis nostri, & quod quieti sint de Omnibus Tallagiis, Theoloniis, Stallagiis, auxiliis & aliis Custumis quibuscunq; in Villis portibus feriis & Mercatis infra Com' præd' de Bonis suis propriis, &c.

Whereupon be pleased to declare, if any other Persons, besides the Tinnors working in the said Stannaries, shall have and enjoy the Franchises granted by the King in the said Charter, and also the said Charter implies, *Quod omnes Stannatores præd' operantes in Stannariis illis sint liberi*, &c. And other Persons, than the working Tinnors, that is to be understood, their Masters that hire them, and their Servants, and others claiming also the said Freedom; and moreover please to declare, if the said working Tinnors shall enjoy the Franchises at any other Time than while they are Working in the said Tin-works, as also the said Charter implies, *Dum operantur in eisdem Stannariis, liberi sint*, &c.

In right of the said Words, *Operantes in Stannariis, illis & dum operantur in eisdem Stannariis*, they are clearly to be understood, *de operariis laborantibus duntaxat in Stannar' illis sine fraude & dolo, & non de aliis nec alibi laborantibus*.

Item, Let it be declared, if also the Working Tinnors shall enjoy also those Franchises, so as they enjoyed them at the time, even in the Demesnes which did belong to King Layell, now in the time of our present Lord the King; the which King Layell did grant to them the said Charter, at the time when he granted them the said Franchises; as also the said Charter implies, *Quod omnes Stannatores præd' operantes in Stannar' illis quæ sunt Dominica nostra dum operantur eisdem in Stannariis sint liberi*, &c. And they claim to have right, other than only when they Work in the said Demesns of the King Layell, in right of the said Article, for that there is another Article in the said Charter, that gives them Leave and Licence to dig in *Terris Moris & vastis ipsius Dom' Regis, & aliorum quorumcunq; in Com' præd' & aquas & Cursus aquarum ad operantes Stannariarum præd' divertere ubi & quoties opus fuerit & emere Buscum ad funduram Stanni sicut antiquitus fieri consuevit sive impedimento Domini Regis hæredum suorum Episcopor' Abbatum, Comitum, Baronum, seu aliorum quorumcunq; &c.* It seems to be a very necessary thing in this Case, that their Customs and Uses be enquired into, and that the Captain of the Tin-work have a Charge that he do not permit any Tinner in the said Tin-work, to dig in Pasture Land, nor among Woods, nor to seek
among

among Woods nor among Houses, nor disturb Waters, or any running Waters, out of Malice, and if it should so happen, that the said Captain should make any excuse, that the said Tinnors will not obey his said Orders, nor cease their malicious doings for him, that then immediately complaint shall be made to the King and Council, and due and hasty Remedy shall be ordered.

Item, That it be in a special Manner declared, that those Judges that shall be now allotted to go those Circuits, to make the said Enquiry, take the Issue of the Country, if there is any, between Party and Party, and how that Article foregoing, concerning the Customs and Uses, has been executed before the said Charter of King *Layell* was made, and by whose People the said Issue shall be try'd, that is to say, the which by Foreigners only, or by Tinnors only, or by both.

In right of the said Article, that the Advice of the Grand Council be taken, and that the Records in Eyre be there, if there be any, and other Evidences and Remembrances of the King's Treasury, and then and also the Remembrances of the Lords, which they have, to be for the Time searched and duly examin'd, and also on the contrary, that the said Tinnors do produce all their Books and Evidences, the which being produced and well inspected, thereby we may the better come to the knowledge of the right Truth.

Item, Let it be declared, whether the Warden of Stannary, can decide any Cause between Tinner and Foreigner upon any Dispute arising, other where than in those Places where they are at work, as the said Charter implies. *Quod Custos noster præd' vel ejus locum tenens teneat omnia placita inter Stannator' præd' emergent' & etiam inter ipsos & ad forinsecos de omnibus transgressionibus querelis & contractibus factis in locis in quibus operantur infra Stannar' præd' similiter emergent' &c.*

Wherefore he is to decide the Cause of such Disputes as shall arise between such Persons as are both of the said Country.

In right of this Article, if they have extended the Jurisdiction clearly, according to the Words of the said Charter, that is to say, *in locis ubi iidem operarii operantur*, and not elsewhere, and in no other Manner.

Item, Be pleased to declare upon what the said Charter implies, albeit *& si qui Stannator' præd' in aliquo delinquerint per quod incarcerari debeant per Custod' præd' arrestentur & in Prisons nostra de Lydford & non alibi detineneantur quousque secundum legem & consuetudinem Regni nostri deliberentur*; and in this Case, that a Tinner be taken for Felony, and delivered to the Warden, he is very often suffered to go at large, from whence much Danger hath many times happened, and also from there not having been a Delivery of the said Goal not above once in ten Years, and that it may be for a Colour to this same Article, the said

Warden serves himself now, by some other Prison, to keep them in for Arrears of Accompts, and puts them in *Lidford*, where they are so much favoured, that they never endeavour to do any thing to please their Master.

In right of this Article, let it be with all Diligence enquired into before those Judges that now next of all shall be assigned, that they Enquire by what Authority they do it, albeit since in the said Charter, they are excepted, in Special all Suits of Lands, and of Life and of Member, and that the Return of that Enquiry be declared in Special, if there be occasion.

And according to this Act, a Commission issued out in these Words following ;

Antient Statutes were made upon the Petition of the Commons in Parliament unto the King, in which Petition was set forth, that which they did desire of the King might be enacted, and passed, not by Bills prepared, as now they do.

The COMMISSION.

EDWARDUS Dei Gratia Angliæ & Franciæ Rex, & Dominus Hiberniæ, dilectis & fidelibus suis Guidoni De Brian, & Joh' de Montague, Rob' de Belknap, Hugo' de Segrave, Henrico Penhaye, & Waltero de Clopton, Salutem ; Cum Dominus Edwardus quondam Rex Angliæ ; Avus noster per Cartam suam quam Confirmavimus ad emendationem Stannariarum suarum in Com' Devon' ad tranquillitatem & utilitatem Stannatorum suorum earundem Concesserit, pro se & hæredibus suis quod omnes Stannatores præd' operantes in Stannar' illis quæ fuerunt Dominica sua dum operentur in eisdem Stannariis essent liberi & quieti de omnibus pla'tis Nativorum, & de omnibus pla'tis & querelis curiam suam & hæredum suorum qualitercunq; tangentibus, ita quod non responderent coram aliquibus Justiciariis, vel Ministris, ipsius avi nostri vel hæredum suorum de aliquo pla'to vel querela infra præd' Stannarias emergent' nisi coram Custod' Stannariarum præd' qui pro tempore fuerit (exceptis pla'tis Terræ, Vitæ & Membrorum) nec recederent ab operationibus suis per summonitionem aliquorum Ministrorum dicti avi nostri seu hæredum suorum nisi per summonitionem dicti Custodis & quod quieti essent de omnibus Tallagiis, Theoloniis, auxiliis, Stallagiis, & aliis Custumis quibuscunq; in villis Portubus Feriis & Mercatis, infra Com' præd' de Bonis suis propriis Concesserit etiam eisdem Stannatoribus quod fodere possunt Stannum & turbas ad Stannum fundendum ubique in terris Moris & vastis suis & aliorum quorumcunq; in Com' præd' & aquas & cursus aquarum ad operationes Stannararium præd' divertere ubi & quoties opus fuerit & emere Buscam ad funduram Stanni' sicut Antiquitus fieri Consuevit, sine impedimento ipsius avi nostri vel hæ-

These two former were Barons, and Lords of Parliament.

Pleas of Land, Life, and Member are excepted.

redum suorum Episcoporum, Abbatum, Priorum, Comitum, Baronum, seu aliorum quorumcunq; & quod Custos præd' vel ejus locum tenens teneat omnia placita inter Stannatores prædict' emergentia & etiam inter ipsos & alios forinsecos de omnibus transgressionibus querelis & Contractibus factis in Locis in quibus operentur infra Stannarias, præd' similiter emergent' & quod idem Custos haberet plenam potestatem ad Stannatores præd' & alios forinsecos in hujusmodi placitis justiciand' & partibus justiciam faciend' prout justum & prius in Stannariis illis fuisset usitatum & si qui Stannator' præd' in aliquo delinquant per quod incarcerari deberent per Custodem præd' arrestentur & in Prisona de *Lidford*, & non alibi Custodientur & deliberentur quousq; secundum legem & Consuetudinem Regni Angliæ deliberentur, & si aliqui Stannatorum præd' supra aliquo facto infra Com' præd' non tang' Stannarias præd' se posuerint in Inquisitionem Patriæ una Medietas Juratorum inquisitionis hujusmodi esset de Stannatoribus præd' & alia Medietas de Forinsecis, & de facto totaliter tangente Stannarias præd' fierent inquisitiones sicut fieri Consueverint sicut per inspect' Rotulorum Cancellariæ nostræ nobis constat ac etiam exclamosa insinuatione tam Magnatum quam Commintat' Com' præd' in præsentī Parlamento nostro graviter conquerentium ad nostrum pervenerit auditum quod Stannatores præd' ac officarii Balivi & Ministri dict' Stannar' Cartam præd' pro lebito suæ voluntatis interpretantes & debitum intellectum ejusdem Carte pervertentes & etiam excedentes ac quidam alii in Magno Numero asserentes se fore Stannatores cum non fuerint habitis inter eos Conspirationibus Confederationibus & aligantiis quam plurima Extorsiones, Oppressiones, Falsitates, Deceptiones Cambipartias ambidextras Manutentias Transgressionibus damna gravamina & excessus diversis subditis nostris dict' Com' Colore Carte supradict' per plures vices fecerunt & indies facere non desistant in nostri Contemptum & ipsorum Conquerentium grave prejudicium dict' Com' verisimilem destructionem & everisionem Manifestam. Nos affectantes singulos subditis nostros sub quiete & debito regimine Gubernar' & nolentes tanta Maleficia si per præd' Stannatores officarios Ballivos vel Ministros aut alios quoscunq; perpetrata existunt aliquialiter transire impunita assignavimus vos quinque quatuor tres & duos vestrum (quorum vos præfat Robert' unum esse volumus) Justiciarios nostros ad Inquirendum per Sacramentum proborum & legalium hominum de Com' præd' tam infra libertates quam extra per quos rei veritas melius Scir' poterit & aliis viis & Modis, quibus melius fore videritis de quibuscunq; Conspirationibus Confederationibus alligantiis Extortionibus, Oppressionibus falsitatibus deceptionibus Cambipartiis Ambidextris Manutententiis transgressionibus damnis gravaminibus & excessibus per quoscunq; Stannatores vel alios in Com' præd' factis & per quos vel per quem quibus personis ubi & quibus temporibus qualiter & quomodo & de aliis Articulis & circumstantiis permixta qualitercunq; tangentibus plenius veritatem & ad

& ad permiffa omnia & fingula tam ad feftam noſtram quam dictorum Conquerentium & eorum fingulorum & aliorum quorumcunq; pro nobis aut pro ſeipſis proſequi volentium audiend' & terminand' ſecundum legem & Conſuetudinem Regni noſtri Angliæ ſalvis ſemper dictis Stannatoribus libertatibus & Privilegiis eis per Cartam præd' Conceſſis. Et Idea vobis Mandamus quod ad certos Diem & loca quos vos quinq; quatuor tres vel duo veſtrum (quorum vos præfat Robert' unum eſſe volumus) ad hoc Provideritis diligenter ſuper premiſſa faciatis inquiſitiones & Conſpirationes, Confederationes, alligantias extorſiones, oppreſſiones, falſitates, deceptiones, Cambipartias ambidextras Manutentionias tranſgreſſiones damna gravimina & exceſſus præd' audiatſ & terminetis in forma præd' facturi inde quod ad Juſticiam pertinet ſecundum legem & Conſuetudinem Regni noſtri Angliæ ſalvis Nobis amerciamentis & aliis ad nos inde ſpectantibus Mandivimus enim Vic' Com' præd' quod ad Certos Diem & loca quos vos quinq; quatuor tres vel duo veſtrum (quorum vos præfat Robert' unum eſſe volumus) & Sci' Fac' Venire Fac' coram vobis quinq; quatuor tres vel duobus veſtrum tot & tales probos & legales homines de Balliva ſua tam infra libertates quam extra per quos rei veritas Melius Scir' poterit & inquiri. In Cujus rei teſtimonium has literas Noſtras fieri fecimus Patentes Teſte meipſo apud Weſtmonaſterium ſexto Die Julii Anno Regni Noſtri Angliæ 50^{mo} Regni vero Noſtri Franciæ 37^{mo} per Conſilium in Parlamento.

But what was done upon this Commiſſion, is not yet found.

Anno verbi incarnat' 1574.

Devon THE Great Court, or Parliament, of our Sovereign Lady *Elizabeth*, by the Grace of God Queen of *England, France, and Ireland*, Defender of the Faith, &c. of the Dutchy of *Cornwall*, holden at *Crockerrentorre* in the said County of *Devon*, before the Right Honourable *Frances* Earl of *Bedford*, Knight of the most Noble Order of the Garter, Lord Warden of the Stannaries of *Devon* and *Cornwall*, and of the Counties of *Devon* and *Cornwall*, and of the Counties of *Devon, Cornwall, Dorset*, and the City of *Exeter*, then Lieutenant for her Highness, the sixth Day of *August*, in the sixteenth Year of her Majesties most happy Reign.

At which Day and Place, according to the antient Custom and Order, appeared twenty four Jurates of every the several Courts of the Stannary of *Devon*.

The Names of the Jurates in the Stannary Court of *Chaggesforde*.

<i>John Marshall, Gent.</i>	<i>Thomas Noseworthy.</i>
<i>William Battisbell, Gent.</i>	<i>Barnabe Hore.</i>
<i>William Ayshe.</i>	<i>Thomas Leer.</i>
<i>John Newcombe, Sen.</i>	<i>George Parre.</i>
<i>William Newcombe.</i>	<i>William Carpenter.</i>
<i>Thomas Tolden.</i>	<i>Christopher Langworthie.</i>
<i>Gregory Losekey.</i>	<i>Richard Downeman.</i>
<i>John Cornish.</i>	<i>John Caseley.</i>
<i>John Woolcot of Hemiock.</i>	<i>William Foxforde.</i>
<i>Gregory Christopher.</i>	<i>Henry Thewell.</i>
<i>John Foxford.</i>	<i>William Leech.</i>
<i>John Treade.</i>	<i>John Lynscotte.</i>

Jurates in the Stannary Court of *Ashburton*.

<i>John Rowe, Jun. Gent.</i>	<i>Richard Chafe.</i>
<i>John Furseland, Gent.</i>	<i>William Lameshed.</i>
<i>Oliver Franklyn, Gent.</i>	<i>Philip Petersfield.</i>
<i>Christopher Warren.</i>	<i>Thomas Abraham.</i>
<i>William Wotton, alias Gale.</i>	<i>William Ellis.</i>
<i>John Heale.</i>	<i>John Caunter.</i>
<i>William Usher.</i>	<i>Edward Hannaforde.</i>
<i>Aungel Maddock.</i>	<i>William Foster.</i>
<i>Adrian Foxforde.</i>	<i>Richard Meacombe.</i>
<i>Richard Foster.</i>	<i>Richard Wydecombe.</i>
<i>William Meacombe.</i>	<i>Francis Dodd.</i>
<i>Augustine Hexte.</i>	<i>John Mayger.</i>

Jurates

Jurates of the Stannary Court of Plympton.

<i>William Strecheley, Arm.</i>	<i>William Sterte.</i>
<i>Philip Strode, Gent.</i>	<i>Nicholas Bickeforde.</i>
<i>Thomas Elforde, Gent.</i>	<i>John Stephen.</i>
<i>Roger Reade, Gent.</i>	<i>John Cannamore.</i>
<i>John Heale de Heale, Gent.</i>	<i>Edward Cragge.</i>
<i>John Elforde, Gent.</i>	<i>Henry Ham.</i>
<i>William Warring.</i>	<i>William Chubb.</i>
<i>John Awton.</i>	<i>Elizeus Shullabeare.</i>
<i>John Worth.</i>	<i>Henry Odymer.</i>
<i>John Wyndeat.</i>	<i>Nicholas Hedde.</i>
<i>Alexander Webbe.</i>	<i>John Grey.</i>
<i>Henry Ame.</i>	<i>John Bowden.</i>

Jurates of the Stannary Court of Tavistock.

<i>John Glandfeilde, Gent.</i>	<i>John Richard.</i>
<i>William Prideux, Gent.</i>	<i>John Sprye.</i>
<i>John Coke, Gent.</i>	<i>William Allyn.</i>
<i>Richard Langesford of</i>	<i>Peter Burges.</i>
<i>Bratton.</i>	<i>John Sooper.</i>
<i>Peter Ebbisworthy.</i>	<i>Thomas Shippen.</i>
<i>Richard Lanxford of More-</i>	<i>Richard Dunridge.</i>
<i>ton.</i>	<i>Thomas Knighton.</i>
<i>Richard Drake.</i>	<i>John Hannaford.</i>
<i>John Luge.</i>	<i>William Harragrowe.</i>
<i>John Sleeman.</i>	<i>Walter Elforde.</i>
<i>John Gill.</i>	<i>Richard Ree.</i>
<i>John Stutworthy.</i>	<i>Thomas Macye.</i>

Which said Jurors being, according to the antient Custom, Chosen, Tried, and Sworn, by the whole Assent and Consent of all the Tinnars of the said County of *Devonshire*, do Enact, Affirm, Ordain, and by these Presents Establish, that as well all Statutes now new made, as all other Statutes heretofore there made and ordained, (other than such Statutes as now in this Court, and in other Courts heretofore holden there, are made frustrate and of none effect) do and shall henceforth wholly remain in full Strength and Force.

At the humble Petitions therefore of the Tinnars of this County of *Devonshire*, be it enacted, ordained, and established, in Manner and Form following, (*viz.*)

Q q q

An

Anno 16 Eliz.

An Act for the Preservation of Havens in the County of Devon, decayed by Ruble falling from Tin-works.

First, Whereas for the better Preservation and Maintenance of the Havens and Ports of *Plymouth, Dartmouth, Tringmouth, Falmouth*, and *Fowey*, there have been heretofore two sundry Statutes and Acts in the High Court of Parliament holden at *Westminster*, whereof the one in the 23d Year, and the other in the 27th Year of the reign of the late King, of most famous Memory, King *Henry* the Eighth, were ordained and made, in which said Statutes, it hath been by great Policy ordained and devised, that no Person or Persons, from and after the end of the said Parliament, should labour or work in any manner of Tin-works, call'd Stream-works, within the aforesaid Counties of *Devon* or *Cornwall*, nigh to any of the fresh Waters or Rivers, or other low Places, there descending, or having Course to the aforesaid Havens and Ports, or any of them, or should labour, dig, or wash any Tin, in any of the said Tin-works, call'd Stream-works, unless the Digger, Owner, or Washer, did make sufficient Hatches or Tyes, in the end of their Budles and Cords, and therein put, or lay, or cause to be put and laid, all their said Stones, Gravel, and Ruble, digged about the searching, finding, and washing of the said Tin, there to be wholly and surely kept by the said Hatches and Ties, out, and from the aforesaid fresh Rivers upon certain Pains mentioned in the said several Statutes, as further in the said Statutes, more at large, is contained; which said Statutes, for that they (not being put in due Execution) have not brought such Redress of the Annoyance of the said Ports and Havens as there was meant, and hath been looked for. And to the End that the Contents of the said several Statutes, and the Mischiefs therein declared, may the better hereafter be reformed: It is now enacted, over and besides the Penalties and Provisions already ordained in the said two several Statutes, that if upon any Bill, Complaint, or Information made, or exhibited, in any of the Courts of the Star-chamber in the aforesaid County of *Devon*, against any Person or Persons, for any Offence done, contrary to the Provision of the aforesaid Statutes, or either of them, and that the Person or Persons so offending, be thereof duly convicted, either by the Verdict of 12 Men, or by his or their own Confession, that the Party or Parties so convicted, for the first Offence, shall forfeit and incur the Penalty of 40 Marks, to be levied of his Goods and Chattles by a *Fieri Facias*, as other Penalties and Forfeitures are accustomed to be levied, the one half of all which Forfeitures, to be to our Sovereign Lady the Queen's Majesty, her Heirs and Successors, (having no Prince, and when God shall send us a Prince, then to the Lord Prince, and the other half to the Party that will sue for the same, by Bill, Complaint, or Information.

Vide the
Form of a
Declaration
on this Act.
Fo.

Information, in which Suit, no Protection, Effoyne, or Wager of Law, to be allowed for the Defendant, and if the Party so offending, do est soones offend, and be thereof convicted as aforesaid, that then he to lose all such Interest, Estate, and Term, as he hath in the said Works, either in his own right, or in the right of his Wife, during his natural Life, the one Moiety of which said Tin-works, to be to our Sovereign Lady the Queen's Majesty, her Heirs and Successors, having no Prince, and when God shall send us a Prince, then to the Lord Prince, and the other Moiety to him that will sue for the same in any of the Courts of the said Stannary, by Bill, Plaint, or Information, in which Suit no Protection, Effoyne, or Wager of Law to be allowed for the Defendant. And if the Party or Parties so offending, (and thereof convicted as aforesaid) be not able to pay and satisfy the Penalty of forty Marks aforesaid, that then the said Party or Parties, shall be committed to the Prison of *Lidforde*, there to have the Imprisonment of one whole Year, without Bail or Mainprize.

VI.

And be it further enacted, that if the Steward of the said Stannary Courts for the time being, do not, at each Law-day to be holden within the said Stannary, give this Ordinance and Statute in Charge to the Jury of the same Court, that then the said Steward shall, for his Negligence, incur the Penalty of 5 *l.* for each time so offending, to be levied by *Fieri Facias*, to the use of our Sovereign Lady the Queen's Majesty, her Heirs and Successors, having no Prince, and when God shall send us a Prince, then to the Lord Prince.

VII.

And for the better Preservation of the Havens aforesaid, be it further enacted, that it shall be lawful for any Person or Persons from henceforth, working in any Hatch Works, or Stream Works, to convey and carry their Ruble, Gravel, and Sand of any such Works, into any Hatches, Tye Pitts, Moory Places, or Grounds which have been of antient time wrought, or any other convenient Places, as well within the Limits and Bounds of the said Tin-works elsewhere, so that it be not prejudicial to the Working of any Work already pitched, and not thoroughly wrought into the Shelf, and that it shall not be lawful for any Person or Persons hereafter, to Dig or Work for Tin in any Stream Work within threescore Foot of the Main, or great fresh Rivers, commonly called by the Names of *Teyng*, *Darte Plym*, *Tavy*, *Walkeham*, or *Tamer*, running or descending to any of the Havens aforesaid; nor shall work any Hatch Work within four and twenty Foot of any the Rivers aforesaid; and that all and every Person and Persons working in the said Hatch Work, shall make and provide such Strength of Places and Stayes, as that the Force of any of the aforesaid Rivers at the Flood, or overflowing of any of them, do not carry away any abundance of Gravel, Ruble, or Sand, to the Nufance or Hurt of any of the

the Havens above specified, upon pain of such Fine and Penalty as shall be assessed for the said Offence, by the Lord Warden, or his under Warden in that behalf, if it be found by Verdict of twelve Men at a Law-Day. Provided always, that no Person or Persons shall incur the Danger or Penalty of any Statutes made at this present Great Court or Parliament, before the Publication of the Effects of the same, at every of the four Stannary Courts of this County of *Devonshire*.

VIII.

An Act for the true Weights and Measures to be had in buying and selling of Tin.

IX.

THAT every Tinner within the Stannaries of *Devon*, which will keep a Toppe or Gallon, betwixt the Day of this present Parliament and the Feast of *St. Michael* the Archangel then next following, shall have one Measure for the Meating of black Tin, called a Toppe or a Gallon, newly to be made and sealed with a Seal, to that use to be provided and kept by the Steward of the said Stannary, with also the half Gallon and a Pound Dish, the Gallon to contain six Wine Quarts of *Winchester* Measure, and no more, and the half Gallon to contain three Wine Quarts of the same Measure, and no more, and the Pound Dish to contain one Quart of Wine Measure, and no more; and that the said Measures, and every of them, shall be from time to time sealed by the said Steward, his Deputy, or Deputies, and the said Steward, his Deputy, or Deputies, to have for the ensealing of every such Gallon, half Gallon, or Pound Dish, one Penny.

X.

And likewise that no Person or Persons of the Stannary aforesaid, which after the Feast of *St. Michael* the Archangel next coming shall become a Tinner, shall deliver, sell, or measure, by any other Measure than is aforesaid expressed, upon the Pain that every one that shall offend or do contrary to this Act, (and being thereof duly convicted at a Law-day, by the Verdict of twelve Men or more) shall incur and forfeit the Penalty of 40 s. for each time so offending, the one half to be to the Queen's Majesty, her Heirs and Successors, having no Prince, and when God shall send us a Prince, then to the Lord Prince, and the other half to be to the Party that will sue for the same within the Court of the said Stannary, (whereas the Offence is, or shall be, done or committed) by Bill, Plaint, or Information, in which Suit no Essoyne, Protection,

tection, or Wager of Law, to be allowed for the Defendant, and the said Penalty to be levied to the Uses aforesaid by *Fieri Facias*, as in such like Cases is accustomed.

XI.

Be it also further enacted, that every Person or Persons, that hereafter shall weigh any white Tin at any Beam within the said Stannaries of *Devonshire*, shall, without Fraud or Covin, lift, or set upright, the Ballances or Weights of the said Beam, and the Buyer or Buyers to have the just Weights and Contents of his Piece of white Tin, and two Pound Weight Tin over to be allowed to him for his Lost, upon Pain that the said Buyer or Buyers that shall deceitfully use himself in the lifting, or setting upright of the said Ballances or Weights, (and being thereof duly convicted) shall for each time so offending, incur the Penalty of 40 s. to the uses aforesaid, and to be levied as aforesaid.

An Act for the Registering of Timmers, and to Reform the Disorders of the Proceſs called Nichils, against such as be no Timmers.

XII.

FOR the avoiding of divers crafty, injurious, and indirect Vexations heretofore used and practised, by diverse and sundry evil disposed Persons, in pursuing and getting forth of the Courts of the Stannary within the said County of *Devon*, the Proceſs commonly called *Nichils*, to the unjust Vexation of divers the Queen's Majesty's Subjects, and the great Slander of the Laws of the said Courts of the Stannary for the due Reformation whereof, be it ordained, enacted, and established, that each and every Tinner of the said County of *Devon*, within six Weeks immediately ensuing the Feast Day of *St. Michael* the Archangel, next coming after this present great Court or Parliament, shall, before the Steward of the said Stannary Courts, or his Deputy, or Deputies, Record, Enter, and Register, or as much as in him lieth, shall cause to be recorded, entred, and registred, in a Register Book to that use to be provided, (other than such as be already registred) his Name and Surname, upon the Pain to every Tinner that shall not do as aforesaid, to forfeit and incur the Penalty of 5 l. to be levied of his Goods and Chattels, by *Fieri Facias*, as is in other like Cases accustomed; the one half of which Penalty and Forfeiture to be to our Sovereign Lady the Queen's Majesty, her Heirs and Successors, having no Prince, and when God shall send us a Prince, then to the Lord Prince, the other half to the Party that will sue for the same in any of the Courts of the said Stannary, in which Suit, no Effoyne,

Vide the Form of a Nichil in the Introduction to the first Part.

R r r

Protection,

Protection, or Wager of Law to be allowed for the Defendant.

XIII.

And be it further enacted, that each and every Person and Persons, other then such upon whose Oath or Oaths in open Court before the Steward of the Stannary to be made, it shall appear, that he or they were not Cognizant, of any Tin-work or Tin-works, descended, come, or cast upon him or them, being of the full Age of sixteen Years, which at the End of this present Parliament is no Tinner, and shall at any Time hereafter become and be a Tinner, by any Ways or Means, (shall within two Months next after he shall so become a Tinner) under, and upon the like Penalty of $\text{5 } l.$ to be forfeited and levied to the uses aforesaid, enter or cause to be entred in the aforesaid Register Book, his and their Name and Names, Sirname and Surnames.

XIV.

Be it also further enacted by force of this present great Court or Parliament, that every Person and Persons being of the full Age of twenty one Years, which hereafter shall alienate and depart with all and every his Tin-works, to any Person or Persons, by any Ways and Means, (unless it be by Devise in his last Will and Testament) shall within two Months after such Alienation, cause the Steward of the Stannary for the time being, or his Deputy, to Cancel or put out the entry of his Name and Sirname, upon the like Pain and Forfeiture of $\text{5 } l.$ to be levied in like sort, and to the uses aforesaid. And the Steward for the time being, shall, by force of this present Act, have for the Entry and Enrollment of every such Persons Name and Sirname, as aforesaid, two Pence, and for every Search or Cancelling as aforesaid, two Pence, and no more. And if the Steward of the said Stannary, his Deputy or Deputies, or any of them, shall upon Request to him or them made, refuse, or fraudulently defer to make such Entry or Cancelling, as aforesaid, with the Day and Year of the said Entry and Cancelling, or by any corrupt, unjust, or sinister Means, do alter or suffer to be altered the said Register Book, contrary to the true meaning of this present Act, or do not in such sort give up and deliver the said Book at the End and Expiration of his said Office, unto the Steward next succeeding him, or do grant any Process of *Nihil* against any Person or Persons, not being a Tinner or Tanners, for any Matter or Cause not determinable within the said Stannary Courts, or some one of them, and appearing upon the Declaration of the said Plaintiff, that the said Cause is not determinable there, and the said Steward do not immediately dismiss the said Cause out of the said Court, that then the said Steward being thereof duly convicted, by Examination, or other Trial to be made before the Lord Warden, or his Deputy Warden of the Stannary

Stannary of *Devon*, according to the Custom and Usage of the said Stannary, shall lose and forfeit for each time so offending 5 *l.* the one half to be to the use of our Sovereign Lady the Queen's Majesty, her Heirs and Successors, having no Prince, and when God shall send us a Prince, then to the Lord Prince, and the other half to the Party grieved, and to be levied by *Fieri Facias*, as other Penalties forfeited are accustomed to be levied.

XV.

And further it is enacted, ordained, and established, that if any Tinner do at any Time hereafter Arrest or Molest by the said Process of *Nichil*, any Foreigner not being taken within the antient Jurisdiction or Precinct, of any of the four Stannary Courts of *Devon*, for any Matter not determinable within the said Courts, that then the said Tinner being thereof duly convicted, shall incur the Penalty and Forfeiture of 5 *l.* And nevertheless the same Arrest to be utterly void to all intents and purposes, the one half of all which several Forfeitures before recited or expressed, (the Forfeiture for the Offences to be committed by the said Steward, as is aforementioned, only excepted) to be to the use of our Sovereign Lady the Queen's Majesty, her Heirs and Successors, having no Prince, and when God shall send us a Prince, then to the Lord Prince, the other half to the Party that will sue for the same in any of the four Stannary Courts, by Bill, Plaint, Information, or otherwise, in which Suit, no Effoyne, Protection, or Wager of Law to be allowed for the Defendant. And if the Party so offending, and being thereof duly convicted, by any of the Means aforesaid, be not able to satisfy the said Sum of 5 *l.* as aforesaid, that then he to have the Imprisonment of three Months, without Bail or Mainprize.

Vide Stat. of
Car. I. before
set forth.

Provided always, that no Person or Persons for suing any other Tinner or Tanners, whose Name or Names be not registered, (as is abovesaid) shall incur any Penalty or Danger of any Statute heretofore made.

XVI.

Be it also further enacted and ordained at this present Great Court or Parliament, that upon every Penal Statute whatsoever, that shall be sued in any of the four Stannary Courts, and upon every other Bill of Complaint there exhibited, there shall be a *Scire Facias* awarded, (as heretofore hath been commonly used) to compel the Parties (against whom any such Bill or Suit shall be commenced or exhibited) to appear, and also for the levying of every Penalty of any Statute to be sued in any of the said Courts, a *Fieri Facias* shall be awarded, as it hath been commonly used; and if the Bailiff Return, that he cannot find sufficient Goods of the Party against whom the same *Fieri Facias* shall be so awarded, whereof the same may be levied, then a *Capias* to be awarded to take his Body to satisfy

tisfy the same; but if such Parties shall have found Sureties before he shall be convicted of any such Penalty, then Process to be made against the Sureties, according to the Customs of the Stannary, any Law or Statute now or hereafter made to the contrary, in any wise notwithstanding.

An Act for the Working in Wood-Grounds, Pasture-Grounds, and Meadow-Grounds, allotting in some Cases a Tenth Part to the Owners.

XVII.

BE it enacted, ordained, and established, that no Tinner or Tanners by himself, or any other for him, or to his Use, shall at any Time after the Feast Day of St. Michael the Archangel next ensuing the Day of this present Parliament, Work or Dig for Tin to be had in any Meadow-Grounds, or Piece of Ground, which now or most commonly for the Space of twenty Years last past hath been used as Meadow-Ground, other then in such Meadows wherein any Tin-work or Tin-works are now in Working, or within two Months last past, were usually Wrought, and shall hereafter be in Working, and not lie unwrought by the Space of one Quarter of a Year, or shall Work or Dig in any Orchard, Garden, Mansion-House or Houses, or other Buildings or Curtilages belonging to the same Mansion-House or Houses, or in any Land that shall be Wrought, or be in Working by beating, dunging, or dressing for Tillage, or in any other Ground, whereupon is, or hereafter shall be any Grain or Corn growing, during the Time that the Grain or Corn shall be so growing, nor during the Term of two Years next immediately after the reaping or cutting off the first Breach of the Ground so Sown, as is aforesaid; and until such Time as the Grain or Corn so growing shall be cut and inned, or otherwise saved, or by Reason of any of the said Tin-works, (Beam-works only excepted) shall subvert, destroy, or overthrow any Timber, Coppice, or Shere Wood or Woods, Grove or Groves, or any Parcel thereof, to the Number of twenty Trees of Oak, Ash, or Elm, of twenty Years growth, or more, without the special Licence of both the Lord and the Tenant of the said Meadows, Gardens, Orchards, Houses, Buildings, Grounds, Curtilages, and Woods, upon Pain to forfeit to our Sovereign Lady the Queen's Majesty, her Heirs and Successors, (having no Prince, and when God shall send us a Prince, then to the Lord Prince) for every such Offence, if it be found by Verdict of twelve Men at a Law-Day, five Pounds, and to the Party grieved, treble Damages.

Provided

XVIII.

Provided always that it shall be lawful for all Tinnerns to carry Water to and from any Tin-work or Tin-works, in, ^{*vid. Char. Ed. I.*} over, or through any Meadows, or Orchards, Woods, Groves, and all other Land, any Clause, Sentence, or Article in this present Act to the contrary thereof, in any wise notwithstanding,

XIX.

Provided always, and be it likewise enacted, that the Owner and Owners of every such Tin-work now in Working, or that within two Months last past was Wrought, and hereafter shall be in Working in any Meadow or Meadows, shall fill and make level, and cause to be filled and made level (as near as he or they conveniently may) all and every the wrought Places within the said Tin-works, so hereafter to be wrought within one Year next after they have left Working of the said Meadow or Meadows, so as such filling be not noisome to the working or conveying of Water to or from any Tin-work, and that upon pain of Forfeiture of forty Shillings to the use of our Sovereign Lady the Queen's Majesty, having no Prince, and when God shall send us a Prince, then to the Prince, if it be found by Verdict of twelve Men at a Law-Day in any of the four Stannary Courts where the said Tin-work or Tin-works lie, besides treble Damages to be yielded by the Offender in that behalf, to the Parties grieved, to be recovered by Action of Trespass upon the Case, Information, Bill, or otherwise, in any of the four Stannary Courts where the said Meadow or Meadows lie.

XX.

And considering the great loss that many have, and do sustain, by mining and subverting of their Lands, and yet have no Manner of Profit in Place thereof, for Redress whereof, and in Part of Recompence, be it therefore enacted and ordained, that in all Meadow-Grounds, good Pasture, and Lands that hath been commonly used or converted to Tillage, the Lords and Tenants thereof, to have in all between them the tenth Part of the Profit of so much of every Tin-work hereafter new pitched and gained by the same Pitch, as shall be wrought within the same Lands, Meadow, or Pasture, during the Charge for Working, and other Costs of the same tenth Part, as other Owners of the same shall do for their Parts.

Provided also, that the intent of this Statute is not, that the same shall extend to any Tillage, Buildings, Orchards, or Meadows, hereafter to be made and newly erected by Fraud or of Purpose, to let and hinder the Working of any Tin-work or Tin-works, but that this Proviso in that behalf shall be customed, and taken to be most beneficial for the Owners and Workers of any such Tin-work or Tin-works,

An Act for the Punishment of false Verdicts, and for the true entering of Verdicts and Judgments.

XXI.

Vide Stat.
23 Hen. 8.
Wherein the
Party grieved
hath Election
to ground his
Writ of At-
tainment, &c. at
Common Law,
or upon the
Stat. above
3 Inst. 163,
222.

FOR due Correction and just Punishment, of untrue Verdicts, if henceforth it be used or committed in any of the Stannary Courts of *Devon*, and thereby the sooner to avoid the ensuing great mischiefs coming of the same, to the hurt of many the Queen's Majesty's Subjects, and for which no certain or ordinary Remedy is had or provided in, or by any Stannary Laws now in Force; be it therefore enacted, established, and ordained, at this present great Court or Parliament, and by the Authority of the same, that when and as often as any untrue or false Verdict hereafter shall happen to be given, in any of the four Stannary Courts aforesaid, upon Complaint thereof made, with due Proof and Trial thereof had, by Commission, or by any other such lawful Means as shall be thought good, to the Lord Warden, or his Deputy, the Jurors so offending, shall suffer such Punishment for the same Offence, and pay such Fine therefore to the use of the Queen's Majesty, her Heirs and Successors, (having no Prince, and when God shall send us a Prince, then to the Lord Prince) as shall be adjudged or awarded by the Lord Warden, or his Deputy, so as such Fine exceed not the Sum of 100 *l.* and the Party that shall sustain Wrong, Loss, or Hindrance by such false Verdicts, shall be so satisfied, or recompenced for the same, as by the Discretion of the Lord Warden, or his Deputy, may be thought convenient; and for the Execution of this Statute, such Process to be awarded as heretofore hath been used in the said Stannary Courts upon Penal Statutes, and other Contempts, or otherwise by any lawful Means. And if after due Proof and Trial of the Cause, complained as aforesaid, it do appear that the Jury upon whom such Complaint shall be made, have given a true Verdict, then they to recover and have of him or them that shall make such unjust and wrongly Complaint, their Costs and Charges, in that behalf sustained, to them to be awarded by the said Lord Warden, or his Deputy.

XXII.

And forasmuch as all the Pleadings of the Stannary Courts remain in Scrows, and of no Record after the Pleas determined, whereby divers inconveniencies have ensued, and may ensue, for Remedy whereof be it affirmed and enacted, that from henceforth in all the Stannary Courts of this County of *Devon*, the substance of every Judgment, Verdict, and Execution, for and concerning any Tin-work or Tin-works, or Part or Parts of any Tin-work or Tin-works, and also the Verdict, Judgment, and Execution of all other Matters, whereof the Recovery

Recovery by the Judgment shall exceed the Value of 40 s. (and a short Note of the Matter whereupon it shall proceed) shall be entred by the Steward, or his Deputy, in a Book that shall always remain in the same Court of Record where such Judgment shall be given, as briefly as may be, whereby the effect thereof may be fully perceived, and for the entring of every of the same effects of the Verdict, Judgments, and Execution; the Steward to have for every Declaration, and for every Plea 6 d. any Law or Statute heretofore made to the contrary, in any wise notwithstanding.

An Act against such as shall escape from Musters, being Tinn-ners, and against Alienations and Sales of Tin-works under the Age of twenty one Years.

XXIII.

FORASMUCH as at such times as upon the Queen's Highness Appointment, or Commandment, the Lord Warden hath addressed his Commission to his Deputy Wardens within the aforesaid Counties of *Devon* and *Cornwal*, to take the View and Musters of able Persons within his Office of the Stannaries for the Service of her Majesty in her Wars, divers and sundry Persons, being Tinn-ners and Spalliers, undutifully and craftily have given up their Holds and Works, to the end they would not be within the Compass or Commandment of the said Commission for the Musters of the said Stannary, and the said Musters being past, have immediately entred into their said Tin-works again; to meet therefore with such undutiful, and naughty Practices and Dealings,

XXIV.

It is now ordained and enacted, that whatsoever Person or Persons within twenty Days next before the publishing of any Commission for Muster and View of the Tinn-ners within the said Stannaries, shall be in Work in any Tin-work, or have, or take, any Commodity or Profit as a Tinner of the said Stannaries, and shall so fraudulently forsake his Labour or Tin-works, and be thereof convicted before the Deputy Warden, or Steward of the said Stannaries, by Verdict of twelve Men at a Law-Day, within the Jurisdiction of the Stannary Court where any such Person or Persons shall Inhabit or Dwell, shall forfeit for each Offence 5 l. to be levied of his Goods or Chattels by *Fieri Facias*, as in such like Case of Forfeitures hath been accustomed, the one Moiety whereof to be to our Sovereign Lady the Queen's Majesty, her Heirs and Successors, having no Prince, and when God shall send us a Prince, then to the Lord Prince; the other Moiety to him or them that will sue for the same, in any of the four Courts of the

Stannary,

Stannary, by Bill, Plaint, or Information, in which Suit, no Essoyne, Protection, or Wager of Law to be allowed for the Defendant.

And if the Party so convicted (as aforesaid) be not able to pay and satisfy the said Penalty, that then he to be committed to the Prison of *Lidford*, and there to have the imprisonment of one Month without Bail or Mainprize.

XXV.

It is also enacted and ordained, that all Bargains, Sales, and Alienations hereafter to be made, of any Tin-work or Tin-works, or Part of any Tin-work or Tin-works, by any Person or Persons, being at the time of the said Bargain, Sale, or Alienation, under, and not of the full Age of twenty one Years, shall be utterly void and of no validity in the Law, any Act of Parliament of the Stannary, or other Custom or Usage heretofore had, made, or used to the contrary hereof, in any wise notwithstanding.

An Act for such as shall Steal any Black Tin.

XXVI.

BE it affirmed and enacted from henceforth, that if any Person or Persons with Force, or otherwise, take away any Black Tin to the Value of 5 s. or above, wrought or gathered, or to be wrought or gathered in any Tin-work or Tin-works, wheresoever it be found, from the Owner or Owners, or other Occupier or Occupiers of the same Tin-work, or of any Part of the same Tin-work or Tin-works, whereof the same Tin is or shall happen to be wrought or gathered, or which have borne, or hereafter shall bear, the Costs and Charges for the gathering and working of the same Tin; that then every Person so taking away any such Tin shall forfeit 40 l. of good and lawful Money of *England*, whereof the one half to be to our Sovereign Lady the Queen's Highness, (having no Prince, and when God shall send us a Prince, then to the Lord Prince) and the other half to the Party grieved by taking away of the same Tin, to be sued by Action of Debt in any of the four Stannary Courts of *Devon*, within the Jurisdiction of which Court, the same Plaintiff or Defendant shall then inhabit, in which Case, no Essoyne, Protection, or Wager of Law shall be admitted for the Defendant.

XXVII.

Provided always that an Attachment of any such Tin may be made, and the same to be delivered upon good Securities, to be found in such Manner and Form as is expressed in a Statute

tute made at the Great Court holden at *Crockerentorre*, the 25th Day of *September*, in the 25th Year of the Reign of *Henry* the Eighth, of most famous Memory, late King of *England*, Father to our Sovereign Lady the Queen's Majesty that now is, and that all the Residue of the former Statute made in the said 25th Year, touching or concerning the taking away of Tin, be from henceforth utterly made void and of none effect.

An Act that no Juries shall proceed at any Law Courts, but for the Queen, and for appointing of Courts, &c.

XXVIII.

WHEREAS before the time of the Statutes made at the Great Court of *Crockerentorre*, in the sixth Year of *Edward* VI. of most worthy Memory, late King of *England*, there were no Juries allowed to be Sworn in any of the Law Courts, between Parties upon any Actions, because the same should hinder the Inquiry to be then made by the Grand Jury for the King, since which time by reason of certain Statutes then and there made, there have been divers Jurors Sworn at Law-Days between Parties, upon Suits depending, to the delay of such Proceedings as then ought to have been had for the Queen's Highness: Be it therefore enacted and provided, that no Manner of Juries, Inquests, or Taxations, proceedat or in any of the said Law-Days, in any of the four Stannary Courts, but for the Queen's Majesty (only,) and in Considerations thereof, and for the more speedy Trial of Suits in the said Courts.

XXIX.

Be it likewise enacted and ordained, that twelve Courts of every of the said four several Stannary Courts or Jurisdictions, shall and may be yearly holden over and besides the said Law-Days, and all Process, Trials, and other ordinary Proceedings in every of the said twelve Courts, to be of effect, and have like Force in Law, to all Intents, Constructions, and Purposes, as in any Court of the Stannary heretofore hath been used, and also that all Trials and Inquiries by Juries, Inquests, or Taxations, and all Manner of Process touching the same Trials, not being for the Queen's Majesty only, which should, or ought to have, proceeded at the same Law-Day, shall proceed at the next Tin Court then following, to be holden within the same Jurisdiction where the said Trials should, or ought to have been, and to be then of like force and substance in Law, to all Intents and Purposes, as if the same had before passed at any of the said Law-Days, and that no Tin Court shall be kept in any of the four Stannary Courts but by Adjournment, or Summons of fifteen Days at the least.

XXX.

Whereas upon divers Penal Statutes of the Stannary, the Queen's Majesty, her Heirs and Successors, having no Prince, and when God shall send us a Prince, the Lord Prince is to be entitled to the one half of the Penalty and Penalties, and the Party that shall sue to have the other half, if the Offence be found by Verdict of twelve Men at the Suit of the Party, the which Verdict cannot be had at the Suit of the Parties, unless the Defendant of his Side in like Manner will be content to join in Issue for the Trial thereof, which he so refusing to do, the said Statutes will then serve to small Purpose, for so being at the Choice of the Defendant whether he will so have it tried or no, then and in such Case, no Punishment can or will ensue thereby; for Remedy whereof,

Be it established and enacted, that every such Pain, Penalty, or Forfeiture, limited to be due by Vertue of the said Penal Statutes, shall forthwith be due by and upon any such Offence committed, or to be committed against the effect, intent, and meaning of the said Statutes, as if the said Clause or Words, *videlicet*, (if the Offence be found by Verdict of twelve Men at the Suit of the Party) had been omitted, or not contained within the said Statutes, and the same Penalty, Pain, or Forfeiture, to be sued for by Action of Debt, in any of the four Stannary Courts, whereas the Party, Plaintiff or Defendant, doth or shall Inhabit or Dwell; in which Actions, no Essoyne, Protection, or Wager of Law, to be allowed for Defendant.

XXXI.

Be it also affirmed and enacted, that upon every Indictment or Inquisition found for our Sovereign Lady the Queen, her Heirs or Successors, or for the Lord Prince, when God shall send us a Prince, in any of the four Stannary Courts, the Party against whom any such Indictment or Presentment shall be found, shall be admitted and allowed to traverse the same within the Jurisdiction of the same Court where such Presentment shall happen to be made, putting in sufficient Sureties, according to Equity, to follow the Trial, of the same effect.

An Act against such as shall colourably depart with their Tin-works, and limiting who shall be accounted as Tinnners.

XXXII.

WHEREAS divers Persons have been contented and used Means to gain by Tin-works, and by the Priviledges of the Stannary, and yet notwithstanding, have practised Shifts to be disburthened of all Contribution and other Charges, as Tinnners, for the Service of the Queen's Majesty, and towards the lawful Maintenance of the same Stannary, as heretofore hath been accustomed, to the utter decay of the Labourers in the same Tin-works, upon whom great Charge, by reason of such Shifts, is laid. Be it therefore established and enacted, that from henceforth all and every Person and Persons that is or shall become Guardian to any Infant within the Age of twenty one Years, or shall have the Rule or Disposition of any of his Tin-works, or Part thereof, or shall receive, take, or have any Manner of Gain, Profit, or Commodity of any such Tin-work or Tin-works, or Part thereof, shall be deemed and taken in Charge and Contribution amongst Tinnners, as a Tinner, for and during the time he so hath, or holdeth, the same, in like Case as such Infant himself being of full Age, should, might, or ought to do, having the same in his own Hand and Manurance. And that all Farmers and Spalliers of Tin-works, Buyers of black Tin, and blowers of Tin, or doing the Charges of, or for the same, they and every of them shall be reputed and taken as Tinnners, to all Intents, Construtions, and Purposes, and also that all Matters concerning Tin or Tin-works, or whereof the first Contract or original Cause, directly or indirectly, hath or shall arise or grow by reason of Tin or Tin-works, by any Manner of Means, shall be maintainable in the Tin Courts, and the Party Defendant compellable to Answer to the same, in such sort as if he were directly a Tinner.

XXXIII.

Be it also further enacted, established, and provided, that all Manner of Persons being Tinnners or Spalliers within the County of *Devon*, whose Names are, or shall be, recorded in the Register Book, for that purpose especially appointed and provided, (according to the true meaning and intent of the Order, taken and set down in the Statute for Registring of Tinnners, and the Reformation of the Disorders of Process of *Nichils* against such as be no Tinnners) shall be quiet and free from all Tollage, Toll, Stallage, Aid, and all other Manner of

Vide Chart.
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nibus tallagiis,
stallagiis, aux-
illiis, Custu.
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tibus Feriis
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of Customs, for their own proper Goods in all Towns, Ports, Fairs, and Markets within the County of *Devon*, unless it be for the Queen's Highness great Custom.

An Act for the true and orderly Pitching and Bounding of Tin-works.

XXXV.

WHEREAS the great Court or Parliament holden at *Crock-erentorre*, the 28th Day of *September*, in the ninth Year of the Reign of our Sovereign Lady the Queen's Majesty, that now is, one Statute was then and there made and ordained for the avoiding of the abundance of Waters out of Tin-works, which were not then, nor by any Means before that Time, able to be wrought; and one other Statute was then and there made, for the Repeal of certain Statutes concerning Pitches and Releases, and thereupon one other Statute was also made for the reviving of Bounds and Pitches of Tin-works, and in Default thereof, the tenth Part to be gain'd from the old Owners, by other Mens Pitches, and beside the said several Statutes, it was also then and there enacted, ordain'd, and establish'd, that all other Acts and Statutes, before that time made, and at that great Court or Parliament, or before, not annihilate, or made void, by especial Words, should from thence forth, stand, remain, and be in their full Force and Strength, and in the same several Statutes more fully and at large is contained and expressed, and for that the said several Statutes were never imprinted, because of some Ambiguity and Doubt conceived, (as is well known) touching the Validity and Force of the same Statutes; for avoiding of which Scruple and Doubt, be it now therefore enacted, ordained, and established, that all and every of the saidundry Statutes (for that the same and every of them be enrolled, and do remain among other Records of the Stannary Courts of *Devon*, shall from henceforth stand, remain, and be in as full Force, Strength, and Effect, to all Intents and Purposes, as if the same Acts and Statutes had been heretofore (or that this present were) imprinted together with these now published and set forth, excepted and always foreprized, the said Statutes then and there made concerning the removing and pitching of Tin-works, which shall be deemed and reputed to stand in Force no longer then until the Day of this present Great Court or Parliament. And that from henceforth and not before, the said Statutes concerning reviving and pitching of Tin-works, shall be frustrate and utterly made void to all Intents and Purposes.

And

XXXVI.

And be it now further enacted and established, that from henceforth all Tinnerns shall keep their Tin-works as hereafter shall follow and is declared; that is to say, yearly, between the Feast of *St. Peter the Advincula*, last past, and the Feast of *St. Michael* the Archangel now next following, and so hereafter yearly between the aforesaid two Feasts, to make or Renew, or cause to be made or renewed, their Headmeare, Side Bounds, Water Leate, and Tail of every Tin-work, that now is, or hereafter shall be wrought; and if there be any Tin-work or Tin-works, that hereafter be not kept or renewed, according to this Act, (as is before rehearsed) it shall be lawful for every Man to Pitch them as Works Alay; so that the said Pitcher which shall fortune to Pitch any such Tin-work or Tin-works, for default of renewing of them (as is abovesaid) do Pitch the said Tin-work or Tin-works before the Feast of *All Saints* next following after the said Feast of *St. Michael*, and also give the first warning to any of the Owners of every such Tin-work so pitched, before the said Feast of *All Saints*, in the Presence of four or five Tinnerns, and at the time of the said Warning, the said Pitcher shall take the said Owner or Owners (that he so Warneth of the said Pitch of his said Tin-work or Tin-works) by the Arm, shewing and declaring to him with a loud Voice, that he may hear him, the Cause of his Pitch, and the Day when he pitched the said Tin-work or Tin-works; and also the said Pitcher at the Tin Court (within the Jurisdiction whereof such Tin-work lieth) next to be holden after the said Warning given to the said Owner or Owners, at the beginning of the said Tin Court, in his own proper Person, shall cause the Steward of the same Court for the time being, or his Deputy, to enter into his Book, that shall remain in the same Court at all times of Record, the Manner of his Pitch, (that is to say) his own Name, and the Name of the Owner that he so warned, and the Day and Place when and where he gave him such Warning, and thereupon the said Steward, or his Deputy for the time being, in the same open Court, (and in the three other Tin Courts, whereas the said Tin-work or Tin-works so pitched lieth not) when the Steward, or his Deputy, shall think most People to be present, shall make Proclamation of the said Pitch, and Warning of the said old Owner or Owners of the said Tin-work or Tin-works, or else the said Pitch to be void and of none effect, taking of the said Pitcher for his Labour 8*d*. And after the said Pitch, Warning, and Entering accomplished, and Proclamation thereof so made (as is aforesaid) in the same Tin Court, whereas the said Tin-work so pitched lieth, that then all and every old Owner or Owners of the said Tin-work or Tin-works so pitched, shall have Liberty by the Space of four Tin-Courts there to be holden next after the said Entering, and first Proclamation in the said Tin Court, made when the said old Owner or Owners, or any

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of them, or their Keeper or Keepers, or any other Man, to his or their use, at any of the said four Courts, will by his Oath, (by the Steward, or his Deputy, to be charged) prove his or their said Tin-work or Tin-works truly kept and renewed, according to this Act, in the same open Court, whereas the said Tin-work or Tin-works so pitched lieth, and the said Proof so made to be entred immediately under the said Pitch, by the Steward, or his Deputy, taking therefore of the said old Owner or Owners, Keeper or Keepers, 4 *d.* only, and no more. And if the said Steward do refuse to receive the Proof, according to the old antient Custom and Usage, then the said new Pitch to be void; and if the said old Owner or Owners, or their Keeper or Keepers, at any of the aforesaid four Tin Courts, do not prove his or their said Tin-work or Tin-works, kept according to this Act, (as is aforesaid) that then the said Pitcher that giveth the first Warning, and doth enter the same, to have and to enjoy all the said Tin-work so by him pitched, to him and his Heirs for ever, according to the Custom of the Stannary of *Devonshire*.

XXXVII.

And be it further enacted, that one Book of Record of all Pitches that hereafter shall be made of Tin-works, shall be kept in a Chest or Coffe, within the Jurisdiction of the same Court where such Tin-works lie, or shall lie, in such convenient Place as eight discreet Tinnors of the same Court shall appoint, to have three Locks and Keys, whereof the Steward of the Stannary for the time being to have and keep one Key, and two substantial Tinnors, to be every Year by the great Inquest at the Law Court, in every of the said Stannary Courts next before the Feast of *St. Michael* the Archangel, thereunto elected, shall have and keep every of them one Key, and to be Attendant for the same when need shall require.

An Act whereby the Lord of the Stannaries is authorized to Reform the Wants and Imperfections of the Statutes of the Stannaries.

XXXVIII.

FOR the Correction and Amendment of divers and sundry Statutes of the Stannary heretofore made, through the Misprinting whereof great Doubt and Ambiguity daily ariseth, touching the just Exposition and true understanding of the said Statutes. Be it therefore enacted and ordained by the Authority of this Great Court or Parliament, that it shall and may be lawful, to and for the Right Honourable the Lord Warden of the Stannaries for the time being, or to any learned Council by him to be appointed for that Purpose, to correct, amend, and reduce all and every the same Acts and Statutes into Form and Order, according to the perfect Sense and true Meaning of the said Statutes, and the intent of the Makers thereof, and such Correction and Amendments, to be so had or made, before the imprinting of these Statutes, to the End they may be all joined and set together in one whole Book.

F I N I S





